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Supreme Court of the United States

OCTOBER TERM, 1924.

No. 583.

WALTER M. PIERCE, as Governor of the State of Oregon; ISAAC H. VAN WINKLE, as Attorney-General of the State of Oregon, and STANLEY MYERS, as District Attorney for Multnomah County, State of Oregon,

Appellants,

vs.

THE SOCIETY OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY,

Appellee.

APPENDIX I
(revised)

TO

BRIEF ON BEHALF OF APPELLEE.

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NORTHWEST ORDINANCE OF JULY 13, 1787.*

Preamble—

For extending the fundamental principles of civil and religious liberty, which forms the basis whereon these republics, their laws, and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments which forever hereafter shall be formed in said territory . . .

. . . It is hereby ordained and declared . . . That the following articles shall be considered as articles of compact between the original states and the people, and states in the said territory. . . .

ARTICLE I.

No person demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ARTICLE II.

. . . No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made,

* 1 Stat. 50.

or have force in the said territory, that shall, in any manner whatever, interfere with, or affect private contracts or engagements, *bona fide*, and without fraud previously formed.

ARTICLE III.

Religion, morality, and knowledge, being necessary to good government, and the happiness of mankind, schools and the means of education shall forever be encouraged. . . .

FUNDAMENTAL LAW OF OREGON.*

(Adopted July 26, 1845.)

Provisional Government of Oregon.

ORGANIC LAW OF THE PROVISIONAL GOVERNMENT OF OREGON (1845).

Preamble: For the purpose of fixing the principles of civil and religious liberty, as the basis of all laws and constitutions of government, that may hereafter be adopted,—

Be it enacted,—That the following articles be considered articles of compact among the free citizens of this territory:

ARTICLE I.

Sec. 1. No person demeaning himself in a peaceable and orderly manner, shall ever be molested upon account of his mode of worship, or religious sentiments.

* See Act of Congress of Aug. 14, 1848, 9 Stat. 323, 329.

Sec. 2. . . . No man shall be deprived of his liberty, but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, *bona fide* and without fraud, previously formed.

Sec. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged.*

Constitution of Oregon, 1857.

(Effective February 14, 1859)†

ARTICLE I.

Bill of Rights.

Sec. 1. We declare that all men, when they form a social compact, are equal in right; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

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* These three sections are substantially the same as and were undoubtedly taken from the Northwest Ordinance of 1787.

† This is the present constitution of the State of Oregon with various amendments adopted from time to time. Oregon Laws, vol. i, pp. 73-189.

Sec. 2. All men shall be secured in the natural right to worship Almighty God according to the dictates of their own consciences.

Sec. 3. No law shall in any case whatever control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

Sec. 4. No religious test shall be required as a qualification for any office of trust or profit.

Sec. 5. No money shall be drawn from the treasury for the benefit of any religious or theological institution, nor shall any money be appropriated for the payment of any religious services in either house of the legislative assembly.

Sec. 10. . . . every man shall have remedy by due course of law for injury done him in his person, property, or reputation.*

Sec. 33. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

ARTICLE IV.

Sec. 1. The legislative authority of the State shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before

* This section is equivalent to the usual "due process" clause, State v. Thompson, 47 Ore. 492.

the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by the petition signed by five per cent of the legal voters, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the State shall be had at the biennial regular general election, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the state of Oregon." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he, and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.*

* (Initiative amendment adopted by the people June 2, 1902.)

OREGON LAWS RELATING TO PRIVATE SCHOOLS IN FORCE PRIOR TO 1919.

Education in Oregon from the beginning of its history has been largely in private hands, and private activity in this field early received state approval. While Oregon was yet a territory (1848-1859), there were incorporated by special laws many private denominational schools and academies; some of them Baptist, some Episcopalian, some Congregational, and so forth. (Local Laws of Oregon 1851-52, p. 25; Special Laws 1855-56, p. 38; Special Laws 1855-56, p. 59; Special Laws 1855-56, p. 73; Special Laws 1856-57, p. 86; General Laws 1856-57, p. 36; Special Laws 1856-57, p. 44; Special Laws 1856-57, p. 71; Special Laws 1857-58, p. 86; Special Laws 1857-58, pp. 9, 19, 48 and 95.) These special laws generally provided that vacancies on the board of trustees should be filled by the local religious authorities of the particular denomination.

In 1885, the legislature provided a method of voluntary reorganization of all previously incorporated denominational colleges, etc. (L. 1885, p. 109; Oregon Laws, sections 7014-7021).

The Oregon Statutes permitting the incorporation of "religious, charitable and educational corporations," extend back to General Laws 1872, p. 126 (amending Act of October 24, 1864), and are now contained in Oregon Laws, Secs. 6998-7044.

The first compulsory school law was enacted in 1889 (Laws 1889, p. 111) and re-enacted in 1901 (Laws 1901, p. 300), *post* pp. 7-9.

DEADY'S ORGANIC AND OTHER GENERAL LAWS OF OREGON (1845-1864) p. 633.

AN ACT providing for the incorporation of churches and religious, benevolent, literary and charitable societies, which took effect by operation of the constitution, Jan. 20, 1865.*

Sec. 1. That whenever any church or religious, benevolent, literary or charitable society, shall desire to incorporate for the purpose of carrying out the objects of said church or society, they may do so in the manner provided in this act.

Sec. 2. Three or more of the officers or trustees of said church or society, which officers or trustees shall have been duly chosen, elected or appointed in accordance with the usages and regulations of said church or society, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before some officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of state, another in the clerk's office of the county where the church or society is located, and retain the third in the possession of the corporation.

Sec. 3. The articles of incorporation, or a certified copy of the one filed in the office of the secretary of state or county clerk, shall be evidence of the existence of such corporation.

Sec. 4. The articles of incorporation shall specify:

1. The name assumed by the corporation, and by which name it shall be known, and the duration of the same, if limited;

2. The object, business or pursuit of said corporation;

3. The estimated value of property and money possessed by said church or society, at the time of making

* See corresponding provisions in Oregon Laws, 1920, sections 6998-7003, inclusive.

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Sec. 2. Three or more of the officers or trustees of said church or society, which officers or trustees shall have been duly chosen, elected or appointed in accordance with the usages and regulations of said church or society, shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before some officer authorized to take the acknowledgment of deeds, and file one of such articles in the office of the secretary of state, another in the clerk's office of the county where the church or society is located, and retain the third in the possession of the corporation.

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Sec. 4. The articles of incorporation shall specify:

1. The name assumed by the corporation, and by which name it shall be known, and the duration of the same, if limited;

2. The object, business or pursuit of said corporation;

3. The estimated value of property and money possessed by said church or society, at the time of making

* See corresponding provisions in Oregon Laws, 1920, sections 6998-7003, inclusive.

said articles of incorporation, and the sources of revenue or income;

4. The title of the officers or trustees making such articles, and the mode and times of the election of their successors in office;

5. The location of said church or society.

Sec. 5. Upon the making and filing of articles of incorporation, as herein provided, the persons subscribing the same, and their successors in office, associates and assigns, by the name assumed in such articles, shall thereafter be deemed a body corporate with power:

1. To sue and be sued;

2. To contract and be contracted with;

3. To have and use a corporate seal, and the same to change at pleasure;

4. To purchase, receive, possess and dispose of such real and personal property as may be necessary or convenient, to carry out the object of said corporation;

5. To make by-laws, not inconsistent with any existing law, for the government of its affairs, and the management of its property.

Sec. 6. The powers vested in such corporation, are exercised by the corporators, and their successors in office, *Provided,* That said vested powers may be exercised by a majority of said corporators or successors; and any one of said corporators or successors may verify any pleading made by the corporation, and required by law to be verified.

Sec. 7. No corporation formed under this act shall ever hold or possess property, including money and assets, amounting in value to more than five hundred thousand dollars, and any corporation violating this provision of this act, shall forfeit its corporate rights.

Approved October 24, 1864.

LAWS OF OREGON, 1872, p. 126.

AN ACT to amend an Act entitled "An Act providing for the incorporation of churches, religious, benevolent, literary and charitable societies," approved October 24, 1864.*

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That Section 1, of an Act entitled "An Act to amend an Act entitled 'An Act providing for the incorporation of churches, benevolent, literary and charitable societies,'" approved October 24, 1864, be amended so as to read as follows:

Sec. 1. That whenever any church, or religious, benevolent, literary or charitable society, or any society which shall have for its object the development of the physical or mental capacities of its members shall desire to incorporate for the purpose of carrying out the object of said church or society, they may do so in the manner provided in this Act.

Sec. 2. That said Act be further amended by adding thereto the following sections to be numbered 8, 9 and 10:

Sec. 8. That any number of persons, not less than three, being the duly appointed or elected wardens and vestrymen of any parish or congregation of the Protestant Episcopal Church of the United States, in the State of Oregon, according to the canons, rules and regulations of said church, may become incorporated, by making, acknowledging and filing articles of incorporation for such purpose, in conformity with the canons, rules and regulations of said church, upon the organization and incorporation of parishes and the provisions of this Act; and upon the making and filing of such articles of incorporation as aforesaid, such wardens and vestrymen and their successors in office, shall, by the name assumed therein, be thereafter taken and deemed to be a body corporate with the powers prescribed and mentioned in Section 5 of this Act.

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* See corresponding provisions in Oregon Laws, 1920, sections 6998, 7004-7006, inclusive.

Sec. 9. That any person being the bishop, overseer, or presiding elder of any church, or religious denomination in this State, may in conformity with the constitution, canons, rules, regulations and discipline of such church or denomination, become a corporation sole for religious and educational purposes in the manner prescribed in this Act, as nearly as may be, and thereupon said bishop, overseer, or presiding elder as the case may be, together with his successors in office or position, by his official designation, shall be held and deemed to be a body corporate with all the rights and powers and subject to the limitations prescribed in this Act in the case of corporations aggregate.

Sec. 10. That the provisions of this Chapter shall be so construed as to include all such charitable societies as have heretofore been or shall hereafter be composed in whole or in part of married women; and married women are hereby declared eligible to hold office in such societies, and act as trustees thereof, under the provisions of this Chapter the same as other persons, and no liability shall attach to the husband of any such married woman in consequence of any act resulting from such official position by his wife.

Approved October 28, 1872.

LAWS OF OREGON, 1885, p. 109.

AN ACT to regulate the Amending of Charters of such Universities or Colleges as are under the Patronage of one or more Religious Bodies in the matter of Electing Trustees.*

Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. The board of trustees of any university or college heretofore incorporated and now under the patronage of one or more conferences, or other religious bodies of any religious denomination, may accept the provisions of this and the seven succeeding sections, by

* See corresponding provisions in Oregon Laws, 1920, sections 7014-7021, inclusive.

resolution, adopted at any regular meeting of the board and entered upon the records of its proceedings, and after such acceptance the board shall in all respects be organized, constituted, regulated and perpetuated, pursuant to and under such provisions; but no right acquired by any such board or any such university or college, under its charter, or any law of this State, shall be invalidated or affected by such provisions.

Sec. 2. The president of such university or college shall be a trustee, ex-officio.

Sec. 3. The board of trustees shall elect by ballot, at its regular annual meeting at which these provisions shall have been first adopted, nine trustees, to wit: three for the term of three years, three for the term of two years, and three for the term of one year, and at each annual meeting thereafter, perpetually, the board shall elect three trustees for the term of three years.

Sec. 4. The patronizing conference, or other patronizing religious body within whose territorial bounds such university or college is located, shall have the right, at the first election under these provisions, to elect twelve trustees, to wit: Four for the term of three years, four for the term of two years, and four for the term of one year, and four each year thereafter, perpetually, for the term of three years.

Sec. 5. Each additional patronizing conference, or other patronizing religious body, shall have the right to elect not more than one-half the number of trustees as are authorized to be elected by the aforesaid patronizing conference or other patronizing religious body, and for the same terms of office.

Sec. 6. The alumni of such university or college, who have been graduates three years, shall have the right to elect three trustees at the first election under these provisions, to-wit: One for the term of three years, one for the term of two years and one for the term of one year, and each year thereafter, perpetually, one trustee for the term of three years, but the board of trustees shall determine the day, the number necessary to constitute a quorum, and make such additional

regulations relative to this election, as they may deem right and proper.

Sec. 7. The board of trustees shall have power to determine the conditions and requirements by which a conference or other religious body shall be constituted a patronizing conference or other patronizing religious body, providing that each of the said patronizing conferences, or other patronizing religious bodies, shall be of the same denomination as the original patronizing conference, or other religious body; and Provided, further, That no patronizing conference, or other patronizing religious body shall be discontinued as such, except at its own request, so long as it continues to exercise its right of electing trustees.

Sec. 8. Vacancies in the board of trustees, caused by death, resignation, or otherwise, may be filled for the unexpired term.

Approved February 25th, 1885.

GENERAL LAWS OF OREGON, 1889, p. 111.

AN ACT to increase the efficiency of our common schools.

Be it enacted by the Legislative Assembly of the State of Oregon:

SECTION 1. Every parent, guardian or other person in this State having control or charge of a child or children between the ages of eight and fourteen years shall be required to send such child or children to a public school for a period of at least twelve weeks in each school year, of which at least eight weeks' school be consecutive, unless the bodily or mental condition of such child or children has been such as to prevent his or her or their attendance at school or application to study for the period required, *or unless such child or children are taught in a private school* or at home in such branches as are usually taught in primary schools,* or have already acquired the ordinary branches of learning taught in the public schools; provided, in case a public school shall not be taught for the period of twelve weeks, or any part thereof during the year, within two miles by the nearest traveled road of the residence of any person within the school district, he or she shall not be liable to the provisions of this Act.

SECTION 2. Any parent, guardian or other person having control or charge of any child or children failing to comply with the provisions of this Act shall be liable to a fine of not less than five dollars nor more than twenty-five dollars for the first offense, nor less than twenty-five dollars nor more than fifty dollars for the second and each subsequent offense, besides the cost of the prosecution.

SECTION 3. It shall be the duty of the directors and clerk of each school district to make diligent effort to see that this law is enforced in their respective districts.

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* Italics not in original.

SECTION 4. Justices of the peace shall have concurrent judisdiction with the circuit court in all prosecutions under this Act.

SECTION 5. Inasmuch as many children are now permitted to remain away from school without cause and to their great detriment, this law shall take effect and be in force from and after its approval by the Governor.

Approved February 25, 1889.

GENERAL LAWS OF OREGON, 1901, p. 300.

AN ACT to amend section 1 of an act entitled "An act to increase the efficiency of our common schools."

Section 1. . . . Every parent, guardian or other person in this state having control or charge of a child or children between the ages of eight and fourteen years shall be required to send such child or children to a public school for a period of at least twelve weeks in each school year, of which at least eight weeks of school shall be consecutive, unless the bodily or mental condition of such child or children has been such as to prevent his, or her, or their attendance at school or application to study for the period required, *or unless such child or children are taught in a private school or at home in such branches as are usually taught in primary schools,* or have already acquired the ordinary branches of learning taught in the public schools; provided, in case a public school shall not be taught for the period of twelve weeks, or any part thereof, during the year, within two miles by the nearest traveled road of the residence of any person within the school district, he or she shall not be liable to the provisions of this act; provided further, that, whereas the state has provided an institution for the free instruction of all resident deaf-mute children of lawful school age, every parent, guardian or person having control of any child or children afflicted with deafness shall be required, under the penalties hereinbefore specified, to send such child or children to said institution for a period of not less than six (6) months of each year, between the ages of eight (8) and sixteen (16) years, unless such child or

children be taught in a private school, at home, or in a similar institution in another state, in such branches as are taught in the primary and intermediate grades of said institution, or unless such child or children be excused by the authorities on account of his, her or their physical or mental disability; provided, that such child or children shall be required to attend said institution, as hereinbefore provided, not less than six (6) months of each year for five (5) years, or until he, she or they have arrived at the limit of the lawful school age. . . .

Approved February 27, 1901.

MISCELLANEOUS LAWS—OREGON—ANNOTATED CODES AND STATUTES—BELLINGER AND COTTON (1902), Vol. 2, p. 1672.

CHAPTER VI. Of Religious, Charitable and Educational Corporations.

§5182.*—Religious, Literary and Charitable Societies May Incorporate.

Whenever any church, or religious, benevolent, literary or charitable society, or any society which shall have for its object the development of the physical or mental capacities of its members, or the development of agriculture or mechanics, shall desire to incorporate for the purpose of carrying out the object of said church or society, they may do so in the manner provided in this chapter. [L. 1864, D. Cd. p. 633, §1, L. 1872, p. 126, §1; L. 1876, p. 13, §1; H. C. §3295.]

§5199.†—Incorporation of Denominational Schools.

The board of trustees of any university or college heretofore incorporated and now under the patronage of one or more conferences, or other religious bodies of any religious denomination, may accept the provisions of this and the seven succeeding sections, by resolution, duly adopted at any regular meeting of the board, by a vote of two thirds of all the members of such board of trus-

* See Oregon Laws, section 6998.

† See Oregon Laws, section 7014.

tees, and entered upon the records of its proceedings, and after such acceptance, the board shall in all respects be organized, constituted, regulated, and perpetuated pursuant to and under such provisions; but no right acquired by any such board or any such university or college under its charter or any law of this state shall be invalidated or affected by such provisions. [L. 1885, p. 109, §2; H. C. §3313.]

§5207.* Supplementary Articles May Be Filed, Notice of.

Three or more officers or trustees of any incorporated religious, benevolent, literary, or charitable society, or any society which shall have for its object the development of the physical or mental capacities of its members, or the development of agriculture or mechanics, may file supplementary articles of incorporation at any time, when a three fourths' vote of the members present at a special meeting of any such society called for that purpose shall so determine, for the purpose of amending, enlarging, or changing the object, business, or pursuit of any such incorporated society, not extending beyond religious, benevolent, literary, educational, social, or charitable purposes: Provided, however, that said officers or trustees shall have first caused to be published a notice of the time and place of holding said special meeting, and the object thereof, in some daily newspaper of general circulation published within the county where said corporation is located; and it shall be the duty of the secretary of said corporation to deposit in the post office, not less than ten days prior to the time fixed for said special meeting, written or printed notices, directed to each member of said corporation at their post office address, stating the time and place of such special meeting, and the object thereof. A failure on the part of the officers of said corporation to give the notices herein prescribed shall invalidate any supplementary articles of incorporation adopted at such meeting. Nothing in this section shall be construed as applying to any corporation in this state other than those incorporated under the general statutes of this state. [L. 1891, p. 121, §1.]

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* See Oregon Laws, section 7022.

GENERAL LAWS OF OREGON, 1903, p. 176.

AN ACT to amend section 5182 of the laws of the State of Oregon, as compiled and annotated by Hon. C. B. Bellinger and W. W. Cotton, so as to include educational, scientific, fine art, musical, engraving, and architectural societies, and to ratify and confirm all attempted incorporations thereof under the provisions of this chapter.*

Be it enacted by the People of the State of Oregon; and, also, Be it enacted by the Legislative Assembly of the State of Oregon:

Section 1. That section 5182 of the laws of the State of Oregon, as compiled and annotated by Hon. C. B. Bellinger and W. W. Cotton, be amended so as to read as follows:

Section 5182. Whenever any church, religious, benevolent, literary, educational, scientific, fine art, musical, sculptural, engraving, architectural, or charitable society, or any society which shall have for its object the development of the physical or mental capacities of its members or others, or the development of architecture or mechanics, shall desire to incorporate for the purpose of carrying out the objects of such church, school, or society, they may do so in the manner provided in this chapter; and in all cases in which articles of incorporation have heretofore been filed with the Secretary of State of this state, and with the proper county clerk, by any educational, scientific, fine art, musical, sculpturing, engraving, or architectural society, and one or more of its purposes is to conduct a fine art, musical, sculpturing, engraving, architectural, dental, or other school, and have attempted to incorporate under the provisions of this chapter, such artcles of incorporation are hereby ratified and confirmed, and from henceforth they shall be deemed bodies corporate under the provisions of this chapter.

Passed the senate February 12, 1903.

Passed the house February 20, 1903.

Approved February 24, 1903.

Filed in the office of the Secretary of State February 24, 1903.

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* See Oregon Laws, section 6998.

CHAPTER 129, GENERAL LAWS, 1907, p. 237.

AN ACT authorizing the formation of religious corporations.

Section 2. The archbishop of any diocese may associate with him the vicar-general and chancellor of such diocese, and they, or a majority of them, shall designate or associate with them two other members of such religious denomination, residents of such diocese, and upon signing and acknowledging in triplicate articles of incorporation . . . the said five persons and their successors shall become a corporation, with power to . . . establish and conduct schools, seminaries, and colleges. . . .

CHAPTER 79, GENERAL LAWS, 1907, p. 133.

AN ACT to provide for the compulsory education of children. . . .

Section 1. Every parent, guardian or other person in the State of Oregon having control and charge of any child or children between and including the ages of nine and fourteen years of age . . . shall be required to send such child or children to the public schools for a term or period of not less, nor more, than that of the number of months of public school held annually in the district . . . *provided,* that in the following cases children shall not be required to attend the public schools:

(a) Any child, or children, who is, or are, being taught for a like period of time in a private or parochial school, such branches as are usually taught in the first eight years in the public schools, or has, or have, already acquired the ordinary branches of learning taught in such schools. . . .

Filed in the office of the Secretary of State, February 23, 1907.

CODIFICATION—LAWS OF OREGON (1919).

The statutes of Oregon, including those relating to education, were codified in 1919 pursuant to chapter 266 of the Laws of 1919, and as codified are known as the "Oregon Laws". The sections relating to education are those to be found in sections 4915-5532. Section 5259 expressly recognized attendance at parochial schools as compliance with the statutory requirement.

Title XXXI (Secs. 4915-5532).

Sec. 4915 establishes the office of State Superintendent of public instruction. Sec. 4918 defines his duties, which are those of "general superintendence of the county and district school officers and the public schools of the state." Paragraph 4 provides that "He shall visit in person when practicable all the chartered educational institutions of the state, and shall secure such statistical information relative to the number of students, teachers, value of property, libraries, salaries, and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature."

Secs. 4920-4960, provide for the certification and examination of teachers. Certificates are of various grades, and are issued by state, county and district authorities, and sec. 4958 provides that "Any certificate to teach . . . may be revoked by the authority authorized to grant the same upon the written complaint of any county superintendent, for immorality, intemperance, crime against the law of the state, or gross neglect of duty, . . ."

Sec. 4950 provides for a person selected by the Catholic Educational Society of Oregon to serve as a member of the State Board of Standardization.

Sec. 4953 defines a "teachers' training course," and includes thereunder "a study of American history."

Sec. 4954, relates to temporary county certificates issuable to holders of valid certificates in other states, "when the applicant for the same shall present satisfactory testimonials of good character and success as a teacher."

Secs. 4961-4965 establish a state board of education, with power (sec. 4963) to authorize textbooks, prepare curricula for grammar grades, prescribe rules for the general government of the schools, and

> "To grant state certificates and state diplomas to such persons as are found, upon examination by the state board of examiners hereinafter defined, to possess a good moral character, thorough scholarship, and successful experience in teaching. The examination for state certificates and state diplomas shall be upon questions prepared by the state board of examiners; said questions shall be based on the text books adopted by the state, and shall cover all the branches required for a first grade county certificate, and, in addition thereto, algebra, bookkeeping, composition, physical geography, physics, and psychology; those for state diplomas, in addition to the foregoing, botany, plane geometry, general history, and English literature."

Secs. 4974-5015 relate to the office of county school superintendent.

Sec. 4975 requires that

> "The superintendent-elect shall qualify on or before the first Monday in August, by taking an oath to support the constitution of the United States and of the state of Oregon, and to faithfully discharge the duties required of him by this act; said oath shall be reduced to writing, subscribed to, and placed on file in the county clerk's office of his county. (L. 1899, p. 216, §16, B. & C. §3356; L. O. L. §3961.)"

Sec. 5032, relating to the duties of boards of school directors in certain districts, includes thereunder, the duty—

> "(4) To provide courses of studies for young men and women as a preparation for citizenship and devise methods of organizing the youth into voluntary, co-operative and constructive forms of patriotic service.

(5) To promote closer co-operation between the school and the home, between parents and teachers; to aim to improve the school equipment; to secure more adequate support and better housing conditions for teachers; to endeavor to provide ways and means or to remove such obstacles as may be necessary to enable all children to remain in school until they have finished the grammar grades."

Secs. 5036-5099 relate to the district school boards generally. Sec. 5040 confers upon them the power to hire teachers. Sec. 5042 provides that teachers so employed must hold valid permits or certificates.

Sec. 5058 provides that "A district school board may at its discretion permit a schoolhouse, when not occupied for school purposes, to be used under careful restriction for any proper purpose, giving equal rights and privileges to all religious denominations or political parties, but for any such use or privilege it shall not be at the cost for fuel or otherwise to the district."

Sec. 5073 provides:

"That the boards of directors in the several school districts of this state shall procure a United States flag of suitable size and shall cause said flag to be displayed upon or near each public school building during school hours, except in unsuitable weather, and at such other times as to said board may seem proper. (L. 1907, c. 37, §1; L. O. L. §4057.)"

Secs. 5100-5112 provide for compulsory part-time schools, for children who have entered employment. Sec. 5102 provides

"All children between the ages of sixteen and eighteen years must be in school or legally employed. If employed, they must attend the part time schools herein provided not less than five hours per week or one hundred and eighty hours per year, unless they have already acquired the ordinary branches of learning taught in the first

eight years of the public schools, or are attending an evening school for an equivalent time. (L. 1919, c. 324, §3.)"

Sec. 5109 provides:

"Every parent, guardian or other person in the state of Oregon having control of any child or children between the ages of sixteen and eighteen (years) who has not already acquired the ordinary branches of learning taught in the first eight grades of the public schools, shall be required to send such child or children to a part time school or class, whenever there shall have been such part time school or class established in the district where the child or children reside or may be employed. (L. 1919, c. 324, § 10.)"

Secs. 5215-5222 deal with parental or correctional schools, and sec. 5215 provides that—

"(c) No religious instruction shall be given in such school or schools; but the school board shall make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children by allowing attendance at public service elsewhere. (L. 1917, c. 242, §1.)"

Secs. 5255-5258 relate to the duties of teachers. Sec. 5255 (3) includes thereunder the duty—

"To labor during school hours to advance the pupils in their studies; to create in their minds a desire for knowledge, principle, morality, politeness, cleanliness and the preservation of physical health. . . ."

Sec. 5259 provides:

"Every parent, guardian or other person in the state of Oregon having control or charge of any child, or children between and including the ages of nine and fifteen years of age, shall be required to send such child, or children, to the public schools for a term or period of not less or

more than the number of months of public school held annually in the district in which such parent, guardian or other person in parental relation may reside; provided, that in the following cases, children shall not be required to attend public schools:

(a) Children Being Taught in Private School. *Any child, or children, who is, or are, being taught for a like period of time in a private or parochial school, such branches as are usually taught in the first eight years in the public schools,* or has, or have, already acquired the ordinary branches of learning taught in such schools, the fact of which acquisition of such ordinary branches of learning by such child, or children, shall be determined by the school board in charge of the public school in such district. . . ."

Sec. 5270 provides for compulsory attendance of blind children, and deaf-mutes, at public institutions.

Secs. 5369-5376 provide for similar compulsory attendance, in certain cases, of United States government schools. Sec. 5369 provides:

"Whenever the government of the United States erects, or causes to be erected and maintained, a school for general educational purposes within the state of Oregon, and the expense of the tuition, lodging, food, and clothing of the pupils therein is borne by the United States, it shall be compulsory on the part of every parent, guardian, or other person in the state of Oregon, having control of a child or children between the ages of six and eighteen years, eligible to attend said school, to send such child or children to said school for a period of nine months in each year, or during the annual term, unless such child or children is or are excused from such attendance by the county court of said county in which said child or children reside, upon it being shown to the satisfaction of said county court that the bodily or mental condition of such child or children has been and is such as to prevent his, her, or their attendance at

school or application at study for the period required, *or that such child or children is or are taught in* the public schools, *private schools, or other school,* or at home, *in such branches as are usually taught in the public schools;* provided, that in case the government of the United States does not make provision for the free transportation of said child or children to and from their homes to said school, then he, she, or they shall not be liable to the provision of this act, unless they reside less than ten miles from such school. (L. 1905, c. 202, §1; L. O. L. §4338.)"

Sec. 5477 provides for the appropriation of public funds to private charitable institutions caring for orphans and homeless children. Sec. 5479 provides:

"The state board of health is hereby given visitatorial powers over all institutions which receive state aid under this act; and each such institution shall, on or before the fifteenth day of January of each year file with the secretary of the state board of health a financial and statistical report and statement for the preceding calendar year in such form as may be prescribed by said state board of health; and each such institution shall submit to and abide by any reasonable health and sanitary rules and regulations that may be prescribed by said state board of health; and if any such institution fails to comply with any of the provisions of this section said state board of health shall notify the secretary of state of such refusal, and such institution shall not thereafter be entitled to any benefits or payments under this act until such failure has ceased. (L. 1913, c 300, §3.)"

OREGON LAWS AFTER 1919.

CH. 115, GENERAL LAWS, 1921, p. 226.

Be It Enacted by the People of the State of Oregon:

Section 1. Any person entering into a contract to teach in the public schools of the state shall, as a part of the contract, subscribe to the following oath or affirmation:

'I solemnly swear, or affirm, that I will support the constitution of the state of Oregon . . . and the laws enacted thereunder, and that I will teach, by precept and example, respect for the flags of the United States and of the state of Oregon; . . . reverence for law and order and undivided allegiance to the government of our country, the United States of America.'

The said oath or affirmation, duly signed, shall be filed in the office of the examiner issuing the certificate and a copy shall be given to the applicant making the oath and affirmation.

Section 2. Every teacher now or hereafter employed in a private or parochial school or in any academy, college, university or other institution or (of) learning in this state shall, before entering upon the discharge of his or her duties, take the same oath or affirmation of allegiance as that prescribed for public school teachers in section 1. Such oath or affirmation shall be taken and subscribed to before some officer authorized by the state to administer oaths, and a copy of the oath or affirmation shall be filed with the officer or board in charge of such private or parochial school or other institution of learning.

The above requirements shall not apply to exchange professors or teachers whose term of service is temporary, and who do not become permanent residents of the United States.

Section 3. Whoever being in charge of any public, private or parochial school, or any academy, college, university or other institution of learning shall allow or permit any teacher to enter upon the discharge of his duties, or to give instruction therein unless such teacher shall have taken and subscribed to the oath or affirmation of allegiance provided for in sections 1 and 2, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100.

CH. GENERAL LAWS, 1923, p. 9.*

AN ACT to amend section 5259, Oregon Laws.

Be it enacted by the People of the State of Oregon:

Section 1. That section 5259, Oregon Laws be and the same is hereby amended so as to read as follows:

Section 5259. *Children Between the Ages of Eight and Sixteen Years*—Any parent, guardian or other person in the State of Oregon, having control or charge or custody of a child under the age of sixteen years and of the age of eight years or over at the commencement of a term of public school of the district in which said child resides, who shall fail or neglect or refuse to send such child to a public school for the period of time a public school shall be held during the current year in said district, shall be guilty of a misdemeanor and each day's failure to send such child to a public school shall constitute a separate offense; provided, that in the following cases, children shall not be required to attend public schools.

(a) *Children Physically Unable*—Any child who is abnormal, subnormal, or physically unable to attend school.

(b) *Children Who Have Completed the Eighth Grade*—Any child who has completed the eighth grade, in accordance with the provisions of the state course of study.

(c) *Distance from School*—Children between the ages of eight and ten years, inclusive, whose place of residence is more than one and one-half miles, and children over ten years of age whose place of residence is more than three miles, by the nearest traveled road from a public school; provided, however, that if transportation to and from school is furnished by the school district, this exemption shall not apply.

(d) *Private Instruction*—Any child who is being taught for a like period of time by the parent or private

* This is the initiative measure enacted November 7, 1922, printed *infra*, p. 22, but not re-enacted by legislature.

teacher such subjects as are usually taught in the first eight years in the public school, but before such child can be taught by a parent or a private teacher, such parent or private teacher must receive written permission from the county superintendent, and such permission shall not extend longer than the end of the current school year. Such child must report to the county school superintendent or some person designated by him at least once every three months and take an examination in the work covered. If, after such examination, the county superintendent shall determine that such child is not being properly taught, then the county superintendent shall order the parent, guardian, or other person, to send such child to the public school the remainder of the school year.

If any parent, guardian or other person having control or charge or custody of any child between the ages of eight and sixteen years, shall fail to comply with any provision of this section, he shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to a fine of not less than $5.00, nor more than $100, or to imprisonment in the county jail not less than two nor more than thirty days or by both such fine and imprisonment in the discretion of the court.

This Act shall take effect and be and remain in force from and after the first day of September, 1926.

CH. 7, GEN. LAWS, 1923, p. 17.

AN ACT to require the teaching of the Constitution of the United States in the public and private schools of the state of Oregon.

Section 1. In all public and private schools located within the state of Oregon, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the constitution of the United States.

Section 2. Such instruction in the constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course and in courses in state colleges, universities and the educational departments of state and municipal institutions to an extent to be determined by the superintendent of public instruction.

OFFICIAL PAMPHLET DISTRIBUTED AMONG VOTERS PRIOR TO ELECTION NOVEMBER 7, 1922.

Proposed

CONSTITUTIONAL AMENDMENTS AND MEASURES

(With Arguments)

to be submitted to the Voters of Oregon

at the

GENERAL ELECTION

Tuesday, November 7, 1922

Published by authority

Compiled by
Sam A. Kozer
Secretary of State

LAW AUTHORIZING THIS PUBLICATION

(Section 4103, Oregon Laws)

MEASURES AND ARGUMENTS TO BE PRINTED AND DISTRIBUTED

Not later than the ninetieth day before any regular general election * * * at which any proposed law, part of an act or amendment to the constitution is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the title and text of each measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee or duly organized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to file with the secretary of state for printing and distribution any argument advocating such

measure; said argument shall be filed not later than the one hundred and fifteenth day before the regular election at which the measure is to be voted upon. Any person, committee or organization may file with the secretary of state, for printing and distribution, any arguments they may desire, opposing any measure, not later than the one hundred and fifth day immediately preceding such election. Arguments advocating or opposing any measure referred to the people by the legislative assembly, or by referendum petition, at a regular general election, shall be governed by the same rules as to time, but may be filed with the secretary of state by any person, committee or organization. * * * The secretary of state shall cause one copy of each of said arguments to be bound in the pamphlet copy of the measures to be submitted as herein provided, and all such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. All the printing shall be done by the state, and the pages of said pamphlet shall be numbered consecutively from one to the end. The pages of said pamphlet shall be six by nine inches in size and the printed matter therein shall be set in six-point Roman-faced solid type on not to exceed seven-point body, in two columns of thirteen ems in width each to the page with six-point dividing rule and with appropriate heads and printed on a good quality of book paper twenty-five by thirty-eight inches weighing not more than fifty pounds to the ream. The title page of every measure bound in said pamphlet shall show its ballot title and ballot number. The title page of each argument shall show the measure or measures it favors or opposes and by what persons or organization it is issued. * * * Not later than the fifty-fifth day before the regular general election at which such measures are to be voted upon the secretary of state shall transmit by mail, with postage fully prepaid, to every voter in the state whose address he may have, one copy of such pamphlet.

NOTE.—For the convenience of the voters, a list of the official ballot titles and numbers of the Proposed Constitutional Amendments and Measures is printed on pages 46, 47 of this pamphlet. This list is intended for their use, if desired, in preparing marked lists in advance in order to aid them in the final marking of their ballots at the polls.

Sam A. Kozer
Secretary of State

(On Official Ballot, Nos. 314 and 315)

A MEASURE

To amend section 5259, Oregon Laws, relating to compulsory education, to be submitted to the legal electors of the state of Oregon for their approval or rejection at the regular general election to be held November 7, 1922; proposed by initiative petition filed in the office of the secretary of state of the state of Oregon July 6, 1922.

The following is the form and number in which the proposed measure will be printed on the official ballot:

Initiative Bill—Proposed by Initiative Petition

Initiated by Ira B. Sturges, Baker, Oregon; Dr. Robert C. Ellsworth, Pendleton, Oregon; Harold Baldwin, Prineville, Oregon; W. B. Daggett, Redmond, Oregon; Lewis H. Irving, Madras, Oregon; Colin E. Davis, The Dalles, Oregon; Leslie G. Johnson, Marshfield, Oregon; C. A. Swope, Grants Pass, Oregon; W. F. Harris, Roseburg, Oregon; John R. Penland, Albany, Oregon; J. R. Jeffery, Seaside, Oregon; F. C. Holibaugh, St. Helens, Oregon; O. O. Hodson, McMinnville, Oregon; E. L. Johnson, Hillsboro, Oregon—COMPULSORY EDUCATION BILL—Purpose: Requiring any parent, guardian or other person having control, charge or custody of a child over eight and under sixteen years of age, from and after September 1, 1926, to send such child to a public school during the entire school year, excepting: (a) children physically unable; (b) children who have completed the eighth grade; (c) children between the ages of eight and ten living more than one and one-half miles, and children over ten years of age living more than three miles from a public school, except when transportation is furnished; (d) children taught by parent or private teacher.

Vote YES or No.

314 Yes	315 No

A BILL FOR AN ACT TO PROPOSE BY INITIATIVE PETITION TO AMEND SECTION 5259, OREGON LAWS.—COMPULSORY EDUCATION.

Be It Enacted by the People of the State of Oregon:

Section 1. That section 5259, Oregon Laws be, and the same is hereby, amended so as to read as follows:

Sec. 5259. *Children Between the Ages of Eight and Sixteen Years.* Any parent, guardian or other person in the state of Oregon, having control or charge or custody of a child under the age of sixteen years and of the age of eight years or over at the commencement of a term of public school of the district in which said child resides, who shall fail or neglect or refuse to send such child to a public school for the period of time a public school shall be held during the current year in said district, shall be guilty of a misdemeanor and each day's failure to send such child to a public school shall constitute a separate offense. Provided, that in the following cases, children shall not be required to attend public schools.

(a) *Children Physically Unable.* Any child who is abnormal, subnormal or physically unable to attend school.

(b) *Children Who Have Completed the Eighth Grade.* Any child who has completed the eighth grade, in accordance with the provisions of the state course of study.

(c) *Distance from School.* Children between the ages of eight and ten years inclusive, whose place of residence is more than one and one-half mile, and children over ten years of age whose place of residence is more than three miles, by the nearest traveled road, from a public school; provided, however, that if transportation to and from school is furnished by the school district, this exemption shall not apply.

(d) *Private Instruction.* Any child who is being taught for a like period of time by the parent or private teacher such subjects as are usually taught in the first eight years in the public school, but before such child can

be taught by a parent or a private teacher, such parent or private teacher must receive written permission from the county superintendent, and such permission shall not extend longer than the end of the current school year. Such child must report to the county school superintendent or some person designated by him at least once every three months and take an examination in the work covered. If, after such examination the county superintendent shall determine that such child is not being properly taught, then the county superintendent shall order the parent, guardian, or other person, to send such child to the public school the remainder of the school year.

If any parent, guardian or other person having control or charge or custody of any child between the age of eight and sixteen years, shall fail to comply with any provision of this section, he shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to a fine of not less than $5, nor more than $100, or to imprisonment in the county jail not less than two nor more than thirty days, or by both such fine and imprisonment in the discretion of the court.

This act shall take effect and be and remain in force from and after the first day of September, 1926.

For affirmative argument see pages 24-25.
For negative arguments see pages 26-43.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Affirmative)

Submitted by H. Baldwin, W. B. Daggett, Collin E. Davis, W. F. Harris, O. O. Hodson, F. C. Holibaugh, J. R. Jeffery, E. L. Johnson, Leslie G. Johnson, John R. Penland, Ira B. Sturges, in behalf of the COMPULSORY EDUCATION BILL.

Do you believe in our public schools?

Do you believe they should have our full, complete and loyal support?

What is the purpose of our public schools, and why should we tax ourselves for their support?

Because they are the creators of true citizens by common education, which teaches those ideals and standards upon which our government rests.

Our nation supports the public school for the sole purpose of self-preservation.

The assimilation and education of our foreign born citizens in the principles of our government, the hopes and inspiration of our people, are best secured by and through attendance of all children in our public schools.

We must now halt those coming to our country from forming groups, establishing schools, and thereby bringing up their children in an environment often antagonistic to the principles of our government.

Mix the children of the foreign born with the native born, and the rich with the poor. Mix those with prejudices in the public school melting pot for a few years while their minds are plastic, and finally bring out the finished product—a true American.

The permanency of this nation rests in the education of its youth in our public schools, where they will be correctly instructed in the history of our country and the aims of our government, and in those fundamental principles of freedom and democracy, reverence and righteousness, where all shall stand upon one common level.

When every parent in our land has a child in our public school, then and only then will there be united interest in the growth and higher efficiency of our public schools.

Our children must not under any pretext, be it based upon money, creed or social status, be divided into an-

tagonistic groups, there to absorb the narrow views of life as they are taught. If they are so divided, we will find our citizenship composed and made up of cliques, cults and factions each striving, not for the good of the whole, but for the supremacy of themselves. A divided school can no more succeed than a divided nation.

The inspiration for this act is the following resolution:

"*Resolved,* That we recognize and proclaim our belief in the free and compulsory education of the children of our nation in public primary schools supported by public taxation, upon which all children shall attend and be instructed in the English language only without regard to race or creed as the only sure foundation for the perpetuation and preservation of our free institutions, guaranteed by the constitution of the United States, and we pledge the efforts of the membership of the order to promote by all lawful means the organization, extension and development to the highest degree of such schools, and to oppose the efforts of any and all who seek to limit, curtail, hinder or destroy the public school system of our land."

The above resolution was adopted by the Supreme Council, A. & S. Rite, for the Southern Jurisdiction of the United States, May, 1920.

Grand Lodge of Oregon, A. F. & A. M., June, 1920.

Imperial Council, A. A. O. Nobles Mystic Shrine, June, 1920.

Respectfully submitted,

H. Baldwin, Prineville, Oregon
W. B. Daggett, Redmond, Oregon
Collin E. Davis, The Dalles, Oregon
W. F. Harris, Roseburg, Oregon
O. O. Hodson, McMinnville, Oregon
F. C. Holibaugh, St. Helens, Oregon
J. R. Jeffery, Seaside, Oregon
E. L. Johnson, Hillsboro, Oregon
Leslie G. Johnson, Marshfield, Oregon
John R. Penland, Albany, Oregon
Ira B. Sturges, Baker, Oregon.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by the Oregon and Washington District of the Evangelical Lutheran Synod of Missouri, Ohio and other states, opposing the COMPULSORY EDUCATION BILL.

This bill if enacted into law would be

A Terrific Blow to Personal Liberty

Who owns your child? The state? Do not you? Who feeds and clothes your child? The state? Not while you are living and able to care for your own. *Why* do you feed and clothe your child? Because it is *your* child. If you don't own your own child, what in the wide world do you own?

Now if you own your child and are in duty bound to feed and clothe it, you certainly have "some say" about your child's education and its teacher. The state has a right to compel you to educate your child, just as it has a right to compel you to feed and clothe your child. But the state has no more right to choose the teacher for your child and the school it shall attend than it has to tell you where to buy your child's clothing and what style of clothing it must wear.

This bill, if enacted into law, will deal *a terrific blow to your constitutional rights, confiscate your parental authority, and undermine your personal liberty.*

It will also

Seriously Curtail Your Religious Liberty

Under the constitution of the United States and of the state of Oregon you enjoy religious liberty; that is, the liberty to worship God according to the dictates of your conscience and to rear your child according to your religion. If you see fit to send your child to a school in which the religion of your choice is taught, not one day in the week, but every day, and the whole training of the child is permeated by such religion, the state, under the constitution, *must not prohibit you from doing so.* This bill, if enacted into law, will prohibit you from doing so.

This bill is manifestly unconstitutional.

President Harding Warns

"In my experience of a year in the White House there has come to me no other such unwelcome impression as the manifest *religious* intolerance which exists among many of our citizens. I hold it to be a menace to the very liberties we boast and cherish."

Ex-Vice-President Marshall Says

"I have an old-fashioned notion that in a government where freedom of religion is guaranteed to the citizen, as the father of a child, I have a right to train it along the lines of my own religious belief.

"I doubt that any officer, however gifted and high-minded he may be, can have a tenderer regard for my child than I myself possess, that he can more sincerely desire his health, happiness and success.

"Unless I develop into such a brute as to be unfit to take care of my child and thus warrant society in removing him permanently from my custody, I should be let alone to look after his health, care for his wants, guide his education and instil into his mind such religious views as I think will enable him to stand against the temptations of a tempestuous world."

The state has a right to set a certain standard of education, to prescribe a certain course of studies, one that will qualify your child for intelligent citizenship. *But where the child shall get* this education, in a free land such as ours, it is not for the state to say. If parents see fit to send their children to schools where these just requirements of the state are met and the children get a religious training besides, the state must not interfere.

Would Send Taxes Still Higher

There are some 12,000 children in private and denominational schools in the state of Oregon. If these children were forced into the public schools some 300 to 400 additional teachers and a corresponding number of additional schools would have to be provided and financed. The already burdensome tax rate would thus soar still higher. And who would have to pay the bill? YOU.

Let Common Sense Decide

We make our appeal to the common sense of every thinking American. And we ask that the professional agitator be made to turn to more worthy tasks. We ask that he be prevented from infringing upon the *natural and inalienable* right of parents to provide their children with a religious education that satisfies their ideals and their consciences. We ask every good citizen to declare again that the constitutional bill of rights, which has stood the tests of generations, *should be left as it is.*

In spite of religious, social, economic and many other differences we have managed to live together in peace and harmony for many years. For this blessing we are indebted largely to our forefathers, who contented themselves with bringing together the people of many creeds and differences upon a broad but sound platform, built of natural and consequently inalienable rights. *Let this their basic principle of civil government be sacred to us. Let us keep faith with them. Let us repel such as would drive a splitting wedge between us by proposing an abridgement of parental rights, of religious liberty and of educational freedom.*

THE OREGON AND WASHINGTON DISTRICT
OF THE EVANGELICAL LUTHERAN SYNOD
OF MISSOURI, OHIO AND OTHER STATES,
By J. A. RIMBACH,
Chairman of Committee.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by W. M. Ladd, J. C. Ainsworth, C. D. Bruun, F. L. Shull, Charles H. Carey, E. C. Sammons, E. C. Shevlin, Chas. J. Gray, Wm. D. Wheelwright, Richard W. Montague, C. F. Adams, W. B. Ayer, and James B. Kerr, of Portland, Oregon, opposing the COMPULSORY EDUCATION BILL.

1. Denial of Right.

This measure would deny to parents the right to choose the school, the teacher, the methods, by means of which their children are to be educated; a right fundamental in any country which pretends to be free.

2. Prussian System.

This measure imitates the method of public education which brought Prussia to her deserved destruction—giving the state dictatorial powers over the training of children and destroying independence of character and freedom of thought.

3. The Method of Bolshevist Russia.

In present day Russia the Bolshevist government treats the child as the ward of the state. This measure proposes to adopt this method and to substitute state control for the authority and guidance of the parents and is destructive of American independence.

4. Overcrowding Schools and Increased Taxes.

We, in Oregon, are justly proud of our school system but we have already felt the burden of taxes necessary for its support. If the number of children now attending the public schools is to be increased by adding those now taught in private schools it is inevitable that overcrowding must result, and it is also certain that taxes must be materially increased or that the present standards of instruction must be materially lowered.

5. Do We Favor Blue Laws?

If the state can require all children to receive only the instruction prescribed by public school directors what

is to prevent the state from forcing upon all its citizens a particular religious creed, from requiring all its citizens to receive treatment from state physicians or from enforcing the Puritan Sunday and a code of Blue Laws?

6. Conditions Do Not Demand This Measure.

Conditions in Oregon certainly do not call for any such drastic measure. The population is 85.1 per cent native white, and only 13 per cent foreign born white and three-fourths of the latter are naturalized. There is no crowded foreign section in any Oregon town.

7. Title of Measure is Deceptive.

This is miscalled a compulsory educational measure. Compulsory education is now required under existing law. Under the present law all children must be educated up to the standard of the common schools and the supervising officers of the public schools apply the test.

We, the undersigned, are strongly in favor of public schools and of compulsory education, but we believe that the proposed measure will injure rather than aid the cause of education and that it is destructive of true Americanism.

W. M. Ladd, Portland, Oregon.
J. C. Ainsworth, Portland, Oregon.
C. D. Bruun, Portland, Oregon.
F. L. Shull, Portland, Oregon.
Charles H. Carey, Portland, Oregon.
E. C. Sammons, Portland, Oregon.
E. C. Shevlin, Portland, Oregon.
Chas. J. Gray, Portland, Oregon.
Wm. D. Wheelwright, Portland, Oregon.
Richard W. Montague, Portland, Oregon.
C. F. Adams, Portland, Oregon.
W. B. Ayer, Portland, Oregon.
James B. Kerr, Portland, Oregon.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by Board of Trustees of St. Helen's Hall: Rt. Rev. Walter Taylor Sumner, D. D., Bishop of Oregon, President; Rev. John D. Rice, Vice-Chairman; A. M. Ellsworth, Secretary and Treasurer; and Rev. H. D. Chambers, W. J. Henderson, and Clarence D. Porter, opposing the COMPULSORY EDUCATION BILL.

We are opposed to proposed bill because the enactment of it will constitute an unwarranted and unjustified invasion of the civil and religious liberty of the citizens of this state. No invidious fact or condition affecting public interest has been called to our attention that would furnish in the slightest degree an excuse for the proposed legislation.

We ask all citizens to register their vote against this bill.

Respectfully submitted,

BOARD OF TRUSTEES OF ST. HELEN'S HALL,
WALTER TAYLOR SUMNER,
Bishop of Oregon, President.

REV. JOHN D. RICE,
Vice-Chairman.

A. M. ELLSWORTH,
Secretary and Treasurer.

REV. H. D. CHAMBERS,
W. J. HENDERSON,
CLARENCE D. PORTER.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by Ruth Catlin, Principal of Miss Catlin's School, Portland, Oregon; Addison C. Jewell, Principal of Preparatory School, Portland, Oregon; Joseph A. Hill, Principal of Hill Military Academy, Portland, Oregon, and Mrs. Calvin B. Cady, Principal of Music-Education School, Portland, Oregon, opposing the COMPULSORY EDUCATION BILL.

Do you believe in our public schools?

Every right-minded American answers, "Yes."

Do you believe they should have our full, complete and loyal support?

Again, every right-minded American answers, "Yes."

Is our full support of the public schools diminished by our support of the private schools? No, the two systems work perfectly side by side. The public schools necessarily and properly educate the vast majority, but by methods exacted by large numbers. The private schools educate comparatively few but with more attention to the individual. The ordinary branches of learning are acquired in both systems. The public schools can afford no more. The private schools by their independent position offer varied opportunities and individual development impossible or unsuitable in the public schools.

As citizens of Oregon and as principals of non-sectarian private schools we oppose the Compulsory Education Bill.

As citizens we object to the measure because it deprives parents of the right to choose the means of education for their children. We believe in the necessity and value of the public schools and in the right of the state to require the education of its children by competent teachers and according to certain scholastic standards. We are equally firm in our belief that parents have the right to choose the school in which their children shall be educated so long as the state's standards are fulfilled. The states of the Union so far have been content to compel children to attend some school either public or private where the state standards are maintained. If this

measure becomes law it will be the first attempt in this country to compel every child to attend a particular kind of school.

As principals of the schools represented we object to the proposed law as it directly affects us in the following respects:

1. It will destroy the capital invested in our schools. The total capital invested in the lands, buildings, equipment and endowment funds of the four schools is more than $250,000.00. The buildings and equipment are of little value except for private schools and the use of the endowment funds is limited to private educational purposes. Two of the schools have pupils of high school grades who are not directly affected by this bill and it may be supposed that these schools can continue with such pupils, but the withdrawal of one-half of the children and one-half the income would kill the school. Moreover, we shall have no feeling of security in conducting the high school grades, for if this bill passes there appears to be no reason why a similar attempt will not be made to destroy the higher schools.

2. It will deprive us and our teachers of the right to earn a living in a lawful occupation.

The principals and teachers of the four schools are largely college graduates who have given the best part of their adult years to teaching. As private school teachers they have been trained through an experience different from the public schools. The smaller classes in the private schools allow greater freedom of action, a less rigid discipline, more initiative and a closer relation with individual pupils than can be permitted in the public schools with their larger classes.

3. This law will destroy schools which provide desirable methods and courses of study, which the public schools have not adopted and probably never can adopt.

Our four schools meet the public school requirements as to courses of study, competency of teachers, and attainments of pupils. And because they are private schools we do more in many respects than the public schools. Our chief advantage lies in the smaller classes. While the Portland public elementary schools have one

teacher for about 40 pupils, our schools have one teacher for about 12 pupils. This means better teaching and more attention to each child's development. In the private schools far more consideration can be given to healthful conditions. Quiet, uncrowded, well ventilated rooms are provided. No one interested directly or indirectly in the public schools approves of the large classes and the over-crowding. They are endured only because of the enormous cost of curing the evil. The private schools consider the small classes essential to their success and they provide the necessary teachers only at greatly increased expense.

Our schools furnish other special inducements which in the eyes of our patrons are advantages. In the judgment of some parents co-education is not best even for young children and they prefer to send their boys to a school exclusively for boys like the Hill Military Academy and their girls to Miss Catlin's. Shall such parents be deprived of the right to exercise their judgment? Is the state injured by having such schools?

Some parents wish the discipline and training of a military school for their boys. Is the Hill Military Academy to suffer because it offers this kind of instruction under an army officer detailed by the United States government?

Each private school equals the studies of the public schools and can give special advantages in additional subjects including the arts, languages, and manual training.

The schools we represent are in Portland and some children come to us from other parts of Oregon and from other states because of our climate, the Art Museum, the Public Library and the special advantages of a large city. The time will come, unless this bill passes, when similar schools in eastern Oregon or in the Rogue River valley will prosper on account of the benefits afforded by their different climate and surroundings.

Two of our schools furnish boarding facilities and thus give an opportunity for the care as well as instruction of children who have lost a home by the death of one or both parents. Can the state undertake to give such children the care which they now receive in the private schools?

Two of our schools, by succession to older schools, have a long and useful past in the educational history of the state. The Portland Academy was founded in 1880 under the principalship of Dr. Joseph R. Wilson and Dr. S. R. Johnson. Miss Jewell was the principal and Miss Quigg a teacher in the elementary department when the academy closed in 1916 and they then started their Preparatory School. The influence of the academy in this community is manifest in the lives of its many graduates. The Bishop Scott Grammar School was founded in 1870 by the Protestant Episcopal Church. It closed as a church school in 1901 and Dr. J. W. Hill, who had been its principal, opened the Hill Military Academy, at the present location, and in 1908 Dr. Hill's son succeeded him as principal. Again we have a school with a long and useful career in education.

Miss Catlin started her school in 1912 and Mr. and Mrs. Cady the Music-Education School in 1913. Their graduates are still too young to have made the impression on the city which has come from the older schools, but each has done its work to the satisfaction of its patrons.

Finally, the bill should be defeated because:

It would deprive public school education of the benefits it receives from the experiments in methods, research work and high standards contributed by independent schools.

It is against the best American ideals of freedom in that it denies to men and women freedom of thought and action in the choice of environment and influences for their children.

It is Prussian in spirit and method and would be a piece of majority tyranny in legislation.

It represents an anti-American effort to standardize the individual and strikes a blow at democracy's long struggle to protect the individual in his right to direct his own life.

Ruth Catlin,
Principal of Miss Catlin's School.

Addison C. Jewell,
Principal of Preparatory School.

Joseph A. Hill,
Principal of Hill Military Academy.

Mrs. Calvin B. Cady,
Principal of Music-Education School.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by The Seventh Day Adventists of Oregon, H. G. Thurston, General Field Secretary, opposing the COMPULSORY EDUCATION BILL.

We believe in our public schools. We believe they should be supported by public taxation. We believe their highest aim is to assist in developing intelligent citizens. We believe in compulsory education. We are not at all certain, however, that a man educated in the public school is more intelligent than if he were educated in a private or sectarian school. Nor have we heard convincing argument that a person is necessarily more patriotic, if educated in a public school, than if he were educated in a school not supported by public taxation.

For its first 50 years, our country had no public schools; but the patriotism of that time cannot be questioned. If anarchy is taught by any teacher of private or public school, this can and ought to be corrected by the government. Is it proven that anarchy is bred, and hatred for the "stars and stripes" is begotten by a daily study of the gospel of Jesus Christ? Those initiating the measure are well aware that not all who have attended public schools are desirable citizens. Anarchists and criminals have, many of them, attended public schools; therefore attendance of public schools is not the infallible road to good citizenship.

We favor state inspection of all schools. We favor an educational standard for private or sectarian schools, at least equal to the standard of the public schools.

Civil governments are ordained of God to protect men in their natural rights, and, as Thomas Jefferson declared June 7, 1816, "to take none of them from us." The greatest constitution ever framed by human hand declares, "congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." U. S. Constitution Art. 1, Amendments.

Some believe it is their inalienable and constitutional right to educate their children for missionary service. To many parents this has become a religious duty and is an "exercise" of their religion, and a matter of conscience. Where the equal rights of others are respected, in America "the dictates of conscience" are held sacred. Christians believe the Master's great commission is of force today. He said, "Go ye into all the world and teach all nations"; and this work is to continue "even to the end of the world."

Seventh-day Adventists believe early training is highly essential for the greatest efficiency as missionaries. They have proven this by actual experience. In their efforts to assist in evangelizing the world, these people have established many schools.

In addition to the fundamental branches taught in the public schools, they are instructed, not only in true Americanism, but also in their duty to the heathen of all lands. They now have about 40,000 students in actual training, a large number of whom are inspired by the missionary idea. More than 1,300 teachers are conducting elementary schools. In the great world evangelization effort, they paid last year more than $8,462,000. Nor does this sum include the cost of their educational work. This was an additional sum. Oregon has become a liberal sharer in this effort. Will the noble, liberty-loving citizens of this commonwealth, by adopting this measure, help to brand this state as the first in the Union to cut short the efforts of Christian people to discharge the solemn duty which they feel they owe to men in other lands less favored than ours?

We understand the exemption noted in (d) of the measure does not include parochial or sectarian schools. They are abolished altogether. It gives almost unlimited powers to the superintendent of instruction in each county. The power granted him in this measure might be misused, and, through prejudice, become tyrannical.

Let all our children be taught in English. No sectarian school should seek or accept state aid. The public school can not and ought not to attempt to train students in religious lines. Such effort would prove a complete failure.

We are not ashamed of the product of our parochial schools when conducted by well-trained spiritual teachers. If all the children of the land could receive this same kind of spiritual food in connection with their secular education, we feel confident that our republic would have nothing to fear, and there would be very little need for policemen and jails in the future.

We have no disposition to question the sincerity of the promoters of this measure; but we see many reasons which convince us that it is un-American and unconstitutional, and will not accomplish the end sought. This measure virtually involves a union of church and state. In this case the state exercises arbitrary authority over the church as was done in the days of the old Roman Republic. Who wants a return of those cruel days? The adoption of this measure would trample upon the constitutional rights of parents.

The government that turns its citizens into subjects and makes them mere cogs in a wheel, without any rights of their own, is a government that is transforming itself into a tyranny, and is paving the way for its downfall. No government that sets itself up above the inalienable rights of its citizens, and tramples these rights into the dust by the exercise of unjust and arbitrary power, can long endure. The measure is "paternalism" on the part of the state, and a thousand evils will surely follow if it is ever enacted. It should be defeated.

THE SEVENTH DAY ADVENTISTS OF OREGON,

By H. G. Thurston,
General Field Secretary.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by W. H. Boddy, of Hood River, Oregon; William Moll Case, of Eugene, Oregon, and Boudinot Seeley, of Portland, Oregon, opposing the COMPULSORY EDUCATION BILL.

On July 12, 1922, a group of 25 Oregon ministers, members of the Presbyterian Church, adopted the following statement of belief:

"Whereas, much of the propaganda in favor of this bill has been conducted in the name of Protestantism, we the undersigned ministers, members of the Presbyterian Church, believe that the proposed legislation is inimical to the highest human welfare for the following reasons:

1. It proposes to abolish one system of religious education and offers no substitute for it in any plan of religious instruction in connection with the public school system.

2. It is based on the philosophy of autocracy that the child belongs primarily to the state; it is an unjustifiable invasion of family authority and threatens ultimately the guarantees of our American liberty.

3. The proposed legislation in its conception, promotion and execution violates what we conceive to be the spirit of fraternity and brotherly love taught by our Master.

At the same time we desire that it be understood that we favor the erection of standards by the state department of education for both students and teachers in all private schools."

Signers of the statement were:

William H. Boddy, pastor Community Church, Hood River, Oregon.

Boudinot Seeley, superintendent of church extension, Portland, Oregon.

Edward H. Pence, pastor Westminster Presbyterian Church, Portland, Oregon.

Ward W. McHenry, pastor Mt. Tabor Presbyterian Church, Portland, Oregon.

Arthur M. Rice, pastor, Klamath Falls, Oregon.

Allan McRea, pastor, Tillamook, Oregon.

W. Lee Gray, pastor, Rogue River, Oregon.

George T. Pratt, Wendling, Oregon.

J. E. Youel, pastor, Dallas, Oregon.

G. H. Wilbur, pastor, Milton, Oregon.

William Moll Case, pastor Central Church, Eugene, Oregon.

John J. Canoles, pastor, Lebanon, Oregon.

William Crosby Ross, pastor, LaGrande, Oregon.

Bert S. Hughes, pastor, Union, Oregon.

A. J. Hanna, pastor Marshall Street Church, Portland, Oregon.

A. R. Spearow, pastor, Cottage Grove, Oregon.

James Akin Smith, pastor Hope Church, Portland, Oregon.

Bruce J. Griffin, University pastor, Eugene, Oregon.

Joseph Y. Stewart, pastor, Whiteson, Oregon.

V. E. Schanbel, pastor, Redmond, Oregon.

Norman K. Tully, associate pastor First Presbyterian Church, Portland, Oregon.

J. E. Snyder, pastor, Corvallis, Oregon.

William E. Baskerville, pastor, Langlois, Oregon.

J. C. Mergler, pastor Vernon Presbyterian Church, Portland, Ore.

W. F. Shields, pastor, Wallowa, Oregon.

Submitted by,

W. H. Boddy,
Hood River, Oregon.
William Moll Case,
Eugene, Oregon.
Boudinot Seeley,
Portland, Oregon.

(On Official Ballot, Nos. 314 and 315)

ARGUMENT (Negative)

Submitted by the Catholic Civic Rights Association of Oregon, by J. P. Kavanaugh, Frank J. Lonergan, Dan S. Malarkey, Wm. A. Munly, Henry E. McGinn, Arthur C. Dayton, and P. J. Hanley, Executive Committee, opposing the COMPULSORY EDUCATION BILL.

What our state and country need is not discord but harmony; not division but unity. The Puritans, the Huguenots, the Cavaliers, the Quakers, the Catholics, and others, came to this country to escape religious and political persecution. They craved civil and religious liberty. The finest expression of the American spirit was the Declaration of Independence. That spirit sustained them through the hardships and privations of the Revolution. It was finally crystallized in the Constitution and Bill of Rights. Americans became a great national family. They dwelt together in peace. They fought and fell together in war to establish and sustain the government and its institutions of liberty.

Oregon has been free from racial and religious strife for a long time. It has had a long period of prosperity and social peace. Its population is largely native born. It ranks high in education. It has fewer illiterates than almost any state in the Union. It was the first state in volunteer service in the great war. This record was achieved under existing conditions and institutions. There is no occasion now for agitation that will estrange old friends and neighbors and that will divide our people into classes and factions. In the war no one was rejected on account of the school he attended or the religion he professed. No greater misfortune could befall us than movements calculated to create divisions.

A heavy burden is laid upon the parents of this generation by the present social conditions. Their children are in their keeping. It is their right and their duty to train and discipline their children so that they will become useful and loyal citizens. The right of the parent to select the mental and moral training of the child is fundamental and inalienable. It is the most primary

right recognized by enlightened countries. That right cannot be invaded without violating the constitutional guarantees. This right has been recognized in this country from the beginning. For more than 140 years these private schools have been maintained and they exist in every state of the Union. They are thoroughly efficient in every department of instruction. They carry the same course of study as the public schools, and these courses are supervised by the superintendent of public instruction. Their students pass the state examinations when they complete the primary grades. Their uniform high standing in these examinations attests the quality of their instruction. There has never been a law of this kind enacted in this country. It was proposed in Michigan at the last election and decisively defeated at the polls. It failed to secure sufficient signatures in Michigan this year to again place it on the ballot.

Many of the leading public men of the country, including Theodore Roosevelt, Woodrow Wilson, Henry Cabot Lodge, Oscar Underwood and others, received their instruction in private institutions. Mr. Philander Claxton, until recently U. S. Commissioner of Education, declared in a public address: "I believe in the public school system. It has been the salvation of our democracy, but the private schools and colleges have been the salvation of our public schools. These private institutions have their place in our educational system; they prevent it from becoming autocratic and arbitrary and encourage its growth along new lines." Thomas Jefferson was emphatic in his praise of private elementary schools of his day.

All of the private schools give instruction in civics and American history, and patriotic exercises, at least equal in amount to such courses in the public schools, and with text books approved by the department of public instruction. No foreign language is used as a medium of instruction; all use English. Few of the students attending private schools are children of foreign born parents. The vast majority of the children of foreign born parentage in Oregon attend the public schools.

Oregon requires immigration for its development. California has 22 persons to the square mile, Washington

has 20, and Oregon has but 8 and a fraction to the square mile. Immigration is not attracted by freak legislation, and many at whom measures of this kind are aimed will prefer to live in other states where a more liberal spirit prevails.

Under the terms of this measure the county superintendent is charged with the tremendous task and responsibility of granting permits to individual parents to engage private instructors for their children. Out of the thousands of applications that will be made, the superintendent may, of his own volition, grant permission to some and refuse others. The imposition of this task will make that office odious and subject the superintendent to the charge of favoritism. This is a delegation of final authority to an official that is out of harmony with the spirit of our institutions.

There is a compulsory educational law in force in Oregon now. Every normal child must attend school in the primary grades. The title of this bill is intended to mislead in that respect. The proposers of this measure have tried to create the impression that there is an attack upon the public schools. There is not the slightest antagonism to the public schools from any source.

The proposers are the aggressors, and have forced this issue upon the public. Persons who arouse racial or religious prejudices as a means of securing place or power will not be convinced by any showing, but the broad, liberal-minded American wants to know the facts. He will realize that this measure will create a tremendous burden of taxation, and that it is an invasion of fundamental rights guaranteed in terms by the Constitution of Oregon.

CATHOLIC CIVIC RIGHTS ASSOCIATION
OF OREGON,

By J. P. Kavanaugh,
Frank J. Lonergan,
Dan J. Malarkey,
Wm. A. Munly,
Henry E. McGinn,
Arthur C. Dayton,
P. J. Hanley.

Resolution of General Convention of Protestant Episcopal Church.

At the General Convention of the Protestant Episcopal Church in the United States of America held in the City of Portland, Oregon, on September 19, 1922, the following resolution was adopted during the pendency of the agitation for the enactment by Initiative Petition of the Oregon Compulsory Public School Law now before the court:

> "Whereas, there has been introduced into the Congress of the United States a bill to regulate further the Public School system of the nation; and
>
> "Whereas, Legislation has also been attempted in different parts of the country, which, if successful, will have the effect of eliminating all schools under the direction of the Church, and all other private schools giving education through the elementary grades; and
>
> "Whereas, We desire to express our approval of the Public School system in our land and our sympathy with all well considered efforts to develop and improve the public schools; and
>
> "Whereas, We also believe that the English Language should be the sole medium of instruction in all our Public Schools; therefore be it
>
> "Resolved, the House of Bishops concurring, that the General Convention expresses its abiding conviction that instruction in religion is an essential element in all true education, and that Church Schools have an indispensable part in our educational system; and be it
>
> "Further Resolved, the House of Bishops concurring, that this General Convention goes on record as deprecating and opposing any and all movements seeking to secure legislation having as its natural result the injury and perhaps the destruction, of the Church schools of our land."

On November 7, 1924, this Society through the National Council, acting as its board of directors, adopted the following resolution:

> "RESOLVED, That the National Council places itself on record as being against the Oregon Compulsory School Bill.
>
> "RESOLVED, That the matter of properly representing the National Council in the litigation relative to the Oregon Compulsory School Law now before the United States Supreme Court be referred to Mr. Hotchkiss with full power."

REMARKS BY ELIHU ROOT AT MASS MEETING IN MADISON SQUARE GARDEN, SUNDAY, JANUARY 18, 1925, IN SUPPORT OF MOVEMENT TO COMPLETE PROTESTANT EPISCOPAL CATHEDRAL OF ST. JOHN THE DIVINE IN THE CITY OF NEW YORK.

We are here to make open demonstration in behalf of a public expression of faith. We represent widely differing opinions upon religious questions, but we are not here to promote any one of them. We see about us a world in which attention is engrossed by controversy regarding material things and non-essential differences of opinion and the personal conflicts which arise from prejudice and passion. Meantime the more vital truths of the spirit, upon which we are all willing to agree, tend to be forgotten. Assent to them grows more mild and indifferent. Spiritual forces tend to exercise less control over the conduct of life. Spiritual values tend to weigh less in determining ambition and aspiration.

The rulers of the greatest of European nations have proclaimed Atheism as the doctrine of the state and are urging it upon their millions of people with a vast propaganda. In our own country which has so many just and kindly people, so many humane and charitable people, under reaction from the exaltation and sacrifice of the war time, materialism grows strong.

A nation cannot live without nobler ideals than mere material prosperity. Its people must have beliefs. They must have aims beyond mere security or comfort or luxury. Without faith a nation is sure to die.

There is need for reaffirmation of the vital truth that there is a spiritual life, something more than wealth and luxury, more than leisure and comfort, more than anything that money can buy.

It is not enough that a truth be declared and then left to be taken for granted. Men forget. Things visible and tangible occupy the field of thought. New generations occupy the earth. Truth must be continually redeclared and kept in the mind if it is to be maintained as a living force. Words are feeble instruments to affect the human mind and heart. The millions of words which every year

are spoken and written and printed are mostly futile. Modern sophistication adds to the difficulty. Such a vast multitude of ideas are urged by the voice and exploited in print that novelty has disappeared and indifference closes the mind. Now and then some powerful personality impresses itself for a brief time and within a narrow circle. At long intervals the inspiration of some great example attracts a following, or the beauty and pathos of some conspicuous sacrifice compels sympathy; but these are soon forgotten.

There remains one form of expression in which even we in our common work-a-day life can unite which will kindle the imagination and will move the heart and uplift the spirit of countless thousands for centuries to come. It is the form through which the faith of the 13th century expressed itself in the great cathedrals which testified to a belief in spiritual life and in the presence of which now, centuries after, all that is small and mean is subdued by all that is reverent and noble in the beholder's nature.

Through the miracle of art at its noblest, we can build here a great cathedral which shall testify that the faith of America is not dead, which shall be a memorial of all the saints and martyrs and heroes of the spiritual life of the world, which shall impress upon the millions who enter it lessons of reverence and faith, and which, as it towers over this great city of wealth at the gateway of the new world, will carry to all who see it from afar, a perpetual declaration that above the material life there is a spiritual life, above the temporal there is the eternal.

ACT OF CONGRESS OF FEBRUARY 4, 1925.

(PUBLIC—No. 361—68TH CONGRESS)
(S. 2842)

AN ACT to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ARTICLE I.—COMPULSORY SCHOOL ATTENDANCE.

SECTION 1. Every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has custody or control of a child between the ages of seven and sixteen years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session: *Provided,* That instruction given in such private or parochial school, or privately, is deemed equivalent by the Board of Education to the instruction given in the public schools.

SEC. 2. Any child between the ages of fourteen and sixteen years who has completed satisfactorily the eighth-grade course of study prescribed for the public elementary schools of the District of Columbia, or a course of study deemed by the Board of Education equivalent thereto, may be excused by the superintendent of schools from further attendance at school under the provisions of this Act, provided he is actually, lawfully, and regularly employed.

SEC. 3. The Board of Education of the District of Columbia may issue a certificate excusing from attendance at school a child who, upon examination ordered by such board, is found to be unable mentally or physically to profit from attendance at school: *Provided, however,* That if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction.

SEC. 4. The Board of Education shall define in its rules and regulations valid excuses for absence from school, and the absence of a child between the ages of seven and sixteen years for any reason other than so defined as valid shall be unlawful.

SEC. 5. An accurate daily record of the attendance of all children between the ages of seven and sixteen years shall be kept by the teachers of every public, private, or parochial school and by every teacher giving instruction privately. Such record shall at all times be open to the school-attendance officers or other persons authorized to enforce this Act, who may inspect and copy the same.

SEC. 6. It shall be the duty of every principal or head teacher of every public, private, or parochial school, or private teacher to report to the department of school attendance and work permits the name and address of any child between the ages of seven and sixteen years enrolled in his school whenever such child has been absent from school two day sessions or four one-half day sessions or more in any school month, together with the reason for such absence as far as known.

SEC. 7. The parent, guardian, or other person residing permanently or temporarily in the District of Columbia and having charge or control of any child between the ages of seven and sixteen years who is unlawfully absent from public or private school or private instruction shall be guilty of a misdemeanor, and upon conviction of failure to keep such child regularly in public or private school or to cause it to be regularly instructed in private, shall be punished by a fine of $10 or by commitment to jail for five days, or by both, at the discretion of the court: *Provided,* That each two days such child remains away from school unlawfully shall constitute a separate offense: *Provided further,* That upon conviction of the first offense, sentence may, upon payment of costs, be suspended and the defendant placed on probation.

ARTICLE II.—SCHOOL CENSUS.

SECTION 1. That it shall be the duty of the director of school attendance and work permits, under instruction

of the superintendent of schools, approved by the Board of Education, to cause to be made a complete census of all children between the ages of three and eighteen years permanently or temporarily residing in the District of Columbia, and annually thereafter or as frequently as may be found necessary or desirable. Such census shall be amended from day to day as changes of residence occur among children within the ages prescribed in this Act, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of the District. The record of such enumeration of children shall give the full name, address, race, sex, and date and place of birth of every such child, the school attended by him, and if the child is not at school the name and address of his employer, if any, and the name, address, and occupation of the parents or guardian.

SEC. 2. It shall be the duty of the principal or head teacher of every public, private, or parochial school or private teacher, in accordance with the rules adopted by the Board of Education, to report to the director of the department of school attendance and work permits the name, address, sex, age, and race of every child under eighteen years of age residing permanently or temporarily in the District of Columbia who enrolls in or withdraws from his school.

SEC. 3. Any parent, guardian, custodian, principal, or teacher of a child between the ages of three and eighteen who willfully neglects or refuses to provide the information required by this Act, or who knowingly makes any false or untrue statement, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of $10 or by commitment to jail for five days, or by both, at the discretion of the court.

ARTICLE III.—ADMINISTRATION.

SECTION 1. The Board of Education is hereby authorized to consolidate the administrative duties incident to the enforcement of the provisions of this Act and of the Act to regulate child labor under a single division to be known as the department of school attendance and work permits.

SEC. 2. The Board of Education is hereby authorized, empowered, and directed to appoint a director of said department whose rank shall correspond to that of other directors who serve as officers of the Board of Education, and who shall be paid the same salary as said directors, and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this Act.

Such appointments, other than that of the director of said department and clerks, shall be made from the list of applicants obtained from open competitive examinations conducted by the respective boards of examiners of the Board of Education, and designed to test the fitness of the applicants for the duties to be performed.

SEC. 3. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising from this Act.

SEC. 4. The Act of Congress approved June 8, 1906, entitled "An Act providing for compulsory education in the District of Columbia," and all other Acts or parts of Acts inconsistent herewith, are hereby repealed.

SEC. 5. That this Act shall take effect from the date of its enactment.

Approved, February 24, 1925.

Twenty-sixth Biennial Report
of the
Superintendent of Public Instruction
of the
State of Oregon
to the
Thirty-third Legislative Assembly
Regular Session
1925

1923-1924
Census
Enrollment (p. 42).

Number of pupils in grade (public) schools	152,320
In High Schools	35,662

Private and Parochial Schools, p. 43
(1923-1924)

Grade of schools	*Average number of months taught*	*Number of schools*	—*Teachers*— *Men*	*Women*	—— *Pupils* —— *Boys*	*Girls*
Elementary	8.5	99	149	392	6,119	5,60
Secondary	9	14	28	38	294	39
Totals	....	113	177	430	6,413	5,99

LAWS OF OREGON, 1925.

AN ACT approved February 9, 1925.

Section 1. That any child attending the public school, on application of his guardian or either of his parents, may be excused from such school for a period or periods not exceeding one hundred and twenty (120) minutes in any week to attend week-day schools giving instruction in religion.

FILED
MAR 2 1925
WM. R. STANSBURY
CLERK

Supreme Court of the United States

OCTOBER TERM, 1924, No. 583

WALTER M. PIERCE, as Governor of the State of Oregon; ISAAC H. VAN WINKLE, as Attorney General of the State of Oregon, and STANLEY MYERS, as District Attorney for Multnomah County, State of Oregon, *Appellants*

vs.

THE SOCIETY OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY, *Appellee*

APPENDIX II
TO BRIEF IN BEHALF OF APPELLEE

STATE LAWS RELATIVE TO PRIVATE SCHOOLS AND CLASSIFIED SUMMARY THEREOF

THE BELVEDERE PRESS, INC., PRINTERS, BALTIMORE, MD.

State Laws Relative to Private Schools
and
Classified Summary Thereof

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STATE LAWS RELATIVE TO PRIVATE SCHOOLS

ALABAMA

No Appropriation for Sectarian Purposes.

"No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school. (*Constitution*, Article XIV, 263.)

Exemption from Taxation.

"The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes." (*Constitution*, Art. XI, Sec. 217.)

Compulsory Attendance.

"Every parent, guardian, or other person in the State of Alabama having control or charge of any child or children between the ages of eight (8) and sixteen (16) years shall be required to send such child or children to a public school or to a private, denominational or parochial school, taught by a competent instructor, and such child or children shall attend school for the entire length of the school term in every scholastic year." (*School Code*, 1919, p. 49.)

Branches to be Taught. Use of English.

"In every elementary school in the State there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, community civics, agriculture, elementary science, hygiene, and sanitation, physical training, and such other studies as may be prescribed by the State board of education. English shall be the only language employed and taught in the first six grades of the elementary schools in the State." (*School Code*, 1919, p. 5.)

Physical Education.

"Every public school and private or parochial school shall carry out a system of physical education, the character of which shall conform to the program or course outlined by the State Department of Education." (*School Code*, 1922, p. 197.)

Certification of Private School Teachers.

"Every teacher employed in the schools giving instruction to pupils within the compulsory attendance ages, shall after October 1, 1920, hold a teacher's certificate issued by the State Department of Education." (*School Code*, 1919, p. 51.)

Regulations Relative to Teachers' Certificates.

(*School Code*, 1919, pp. 53–56.)

Private Schools Must Report.

"All private, denominational and parochial schools or institutions of any kind having a school in connection therewith shall register annually on or before the tenth day of October with the State Department of Education and are required to report on uniform blanks furnished by the State Superintendent of Education giving such statistics as relate to the number of pupils, the number of instructors, enrollment, attendance, course of study, length of term, cost of tuition, funds, value of property, and the general condition of the school, and any president or acting head of any such institution mentioned above who fails to so register or to make the reports required above when called on shall be punished by a fine of not less than ten ($10.00) dollars nor more than one hundred ($100.00) dollars for each and every offense.

"All private, denominational, or parochial schools offering instruction to pupils within the compulsory attendance ages shall keep all records and make all reports that may be required in any compulsory attendance law now in force or that may hereafter be enacted in the State of Alabama, and no pupil attending any private, denominational, or parochial school which fails to comply with the requirements of this act shall be considered as meeting the legal requirements of such compulsory attendance law." (*School Code*, 1919, pp. 110–111.)

Child Labor.

(*School Code*, 1919, pp. 147–156.)

Child Welfare Department.

The Child Welfare Department shall have the power "to exercise the right of visitation, inspection and cooperative supervision of all State . . . . and other institutions, public or private, receiving or caring for children, and of all orphanages, child placing societies . . . . etc." (*School Code*, 1919, p. 157.)

Inspection of Private Convents, Schools and Other Institutions.

"All public or private hospitals, reformatories, houses of detention, convents, asylums, sectarian seminaries, schools or other like institutions in the State of Alabama shall be subject to inspection, and open to inspection, by the inspectors hereinafter provided, at any and all times between the hours of 8 A. M. and 7 P. M., and at any other hour than those named, should the necessity therefor arise.

"Such inspection shall be made by an inspector or inspectors appointed by the governor of the State of Alabama—and it shall be the duty of the governor to appoint such inspector or inspectors and to direct when and where such inspection or inspections shall be made.

"Such inspector or inspectors, when appointed, shall make a careful inspection of the institution, directed to be inspected, as to its sanitary conditions inside and outside of the buildings, all rooms in such building or buildings, and the surrounding grounds and out houses belonging to or

connected with such institution; shall have full power and authority, and it shall be the duty of such inspector or inspectors to make inquiry of all those kept, boarded or confined in such institution, separate and apart from the presence of any officer or other person connected in any way with such institution, as to their treatment, whether they or others there are subject to involuntary confinement or servitude, or are forcibly detained or unlawfully confined in such institution; the declared purpose of this section being to afford, within the confines of the institution, and free from interference by or intimidation from any officer or other person in any way connected with said institution, a full opportunity to get the facts from any one therein kept, boarded or confined as to the manner in which such institution is conducted, and whether any one therein is involuntarily confined, subjected to servitude, or forcibly detained, or unlawfully held.

Such inspector or inspectors, as soon after making an inspection as practical, shall file in duplicate, one with the governor of the State of Alabama and one with the Superintendent of Education of the State of Alabama, a report in writing covering the points of inspection herein set out, and such other things as may seem pertinent to the purposes of such inspection, and stating conditions just as he found them, and as they are reported to him or them by those residing in or kept or confined in such institution; and this report shall be open to inspection by any citizen of the State of Alabama, or any officer or agent of the Federal government.

"It shall be unlawful for any officer or agent of any institution directed to be inspected, or for any other person, whether connected with said institution or not, to in any way hinder or impede, oppose or prevent any inspector or inspectors from performing their or his duty in making an inspection, when directed so to do by the authority or authorities herein mentioned, and any person convicted of violating any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Fifty, nor more than Five Hundred Dollars, and also be sentenced to hard labor for the county for not less than thirty, nor more than one hundred and eighty days.

"Any inspector or inspectors appointed as herein provided, and who accepts such an appointment, who shall divulge to any person or persons until the inspection is made, the fact of his appointment or when or where he will perform the inspection of any institution directed to be inspected shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than five hundred dollars, and may also be sentenced to hard labor for the county for not less than thirty nor more than one hundred and eighty days.

"All laws, local special and general or either in conflict with the provision of this act be and they are hereby expressly repealed." (*School Code*, 1919, pp. 162–163.)

Incorporation of Denominational Education Boards.

"Education boards having for their purpose the fostering of education in general and education under religious denominational control in particular may become incorporated as hereinafter provided, and may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed

of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

"Any persons desiring to become so incorporated and being not less than five nor more than fifty in number shall file in the office of the Judge of Probate of the county in which the corporation is to have its principal place of business a certificate stating the corporate name selected, etc."

"Any corporation organized as herein provided . . . . may purchase and hold or receive . . . . real and personal property such as may be necessary . . . . to carry out the purposes and objects of the corporation; to make all by-laws and regulations necessary or deemed expedient for the management of the corporate affairs not inconsistent with the laws of the United States and the State of Alabama and not contrary to the constitution, rules and regulations of the convention or association with which the said education board may be affiliated or by which it may (be) controlled; . . . . to establish and support educational institutions; to print and disseminate religious and educational literature; to establish and conduct a teachers' bureau or teachers' bureaus; to receive and distribute all funds placed in its hands for distribution; . . . . to solicit, collect or receive subscriptions in money or otherwise for the advancement of the purposes of the corporation; . . . . to adopt such methods and employ such agencies as may be deemed necessary to create interest in education . . . ."

"Any corporation heretofore organized as an educational society under the general laws of this State relating to corporations not of a business character may accept the provisions of this act and become entitled to the privileges and benefits thereof and subject to all the terms and provisions thereof . . . ." (*School Code*, 1922, pp. 199–201.)

Fire Drill.

"It shall be the duty of the State Fire Marshal, his deputies and assistants to require officials and teachers of public and private schools and educational institutions to have at least one fire drill each month." (*School Code*, 1919, p. 171.)

ARIZONA

No Public Funds for Sectarian Purposes.

"No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation." (*Constitution*, Art. IX, Sec. 10.)

Exemption from Taxation.

"Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempted from taxation by law." (*Constitution*, Art. IX, Sec. 2.)

Compulsory Attendance.

"Every parent, guardian or other person in the State of Arizona, having control of any child between the age of eight and sixteen years,

is hereby required to send such child to a public school for the full time that such school is in session within the district where such child resides, provided that such parent, guardian or other preson having control of such child shall be excused from such duty by the board of Trustees of the district whenever it shall be shown to the satisfaction of such board and of the county school superintendent that one or more of the following reasons exist:

"That such child is taught at home by a competent teacher in the branches taught in the common schools of the State.

"That he is attending a regularly organized private or parochial school taught by competent teachers for the full time that the public schools of the district are in session." (*School Laws*, 1921, p. 48.)

Child Labor.

(*School Laws*, 1921, pp. 83–92.)

ARKANSAS

Exemption from Taxation.

". . . . the following property shall be exempt from taxation: . . . . . school buildings and apparatus; libraries and grounds used exclusively for school purposes, and buildings and grounds and materials used exclusively for public charity." (*Constitution*, Art. XVI, Sec. 5.)

Compulsory Attendance.

"From and after September first, nineteen hundred and seventeen, every parent, guardian or other person residing within the State of Arkansas, having in custody or charge any child or children between the ages of seven and fifteen, both inclusive, shall send such child or children to a public, private or parochial school.

"The minimum session of attendance under this Act shall be three-fourths of the session or sessions of the public school in the district or districts in which the child or children reside. All children shall be required to enter school not later than two weeks after the opening of the session or term." (*Digest of Laws Relating to Free Schools*, 1920, p. 15.)

Use of English.

"The basic language of instruction in the common school branches in all the schools of the State, public and private, shall be from and after the passage of this Act the English language only." (*Digest of Laws Relating to Free Schools*, 1920, p. 159.)

Private School in a Public Schoolhouse.

"The directors may permit a private school to be taught in the district school house during such time as the said house is not occupied by a public school, unless they be otherwise directed by a majority of the legal voters of the district." (*Digest of Laws Relating to Free Schools*, 1920, p. 150.)

CALIFORNIA

No Appropriation for Sectarian Purposes.

"No Public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted directly or indirectly, in any of the common schools of this State." (*Constitution*, Art. IX, Sec. 8.)

Exemption from Taxation.

"Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding one hundred acres in area, its securities and income used exclusively for the purposes of education." (*Constitution*, Art. XIII, Sec. 1a.)

Compulsory Attendance.

"Each parent, guardian or other person having control or charge of any child between the ages of eight and sixteen years, not exempted under the provisions of this act, shall be required to send such child to a public full-time day school . . . . provided, that the following classes of children shall be exempted by the proper school authorities from the requirements of attendance upon a public full-time day school: . . . .

"(3) Children who are being instructed in a private full-time day school by persons capable of teaching; provided, that such school shall be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of this state; and provided, further, that the attendance of such pupils shall be kept by private school authorities in a register, such record of attendance to indicate clearly every absence of the pupil from school for a half day or more, during each day that school is maintained during the year.

"(4) Children who are being instructed, in study and recitation, for at least three hours a day for one hundred and sixty days each calendar year by a private tutor or other person, in the several branches of study required to be taught in the public schools of this State, and in the English language; provided, that such tutor or other person shall be capable of teaching; and provided, further, that such instruction shall be offered between the hours of eight o'clock a. m. and four o'clock p. m." (*School Law*, 1921, pp. 167–168.)

Studies Required.

"Instruction must be given in the following branches in the several grades in which they may be required, viz: reading, writing, spelling, arithmetic, geography, language and grammar, with special reference to composition, history of the State of California, history of the United States with special reference to the history of the constitution of the United States; and the history of the reasons for the adoption of each of its provisions; the duties of citizenship, together with instruction in local

civil government; elements of physiology and hygiene, with special reference to the injurious effects of tobacco, alcohol and narcotics on the human system; morals and manners. In the first six grades of the elementary schools, at least two-thirds of the pupil's time during each week shall be devoted to study and recitation of the subjects hereinbefore enumerated, and in the seventh and eighth grades at least twelve and one-half hours of the pupil's time each week shall be devoted to the study and recitation of such subjects.

"From the time remaining after the study and recitations of the studies hereinbefore enumerated, at least twenty minutes of each school day must be devoted by all pupils over the age of eight years to such physical training as shall be most conducive to their proper physical development, and instruction must be given in nature study with special reference to agriculture and animal and bird life, music, drawing, elementary bookkeeping, humane education, and thrift." (*School Law*, 1921, pp. 163–164.)

Use of English.

"All schools must be taught in the English language." (*School Law*, 1921, p. 163.)

Teaching the Constitution.

"In all public and private schools located within the State of California, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the constitution of the United States, including the study of American institutions and ideals.

"Such instruction in the constitution of the United States shall begin not later than the opening of the eighth grade and shall continue in the high school and in courses in state colleges, universities, and educational departments of state, municipal and private institutions, to an extent to be determined by the superintendent of public instruction. No pupil shall receive a certificate of graduation from any such school unless he has satisfactorily passed an examination on the provisions and principles of the United States constitution." (*Session Laws*, 1923, ch. 176.)

Special Part-Time Classes.

Minors under eighteen and over elementary school age, who have not completed a public or private high school course and "are not in attendance upon a public or a private full-time day school or satisfactory part-time classes maintained by other agencies, shall be, and hereby are, required to attend upon a special part-time class maintained by the high school board of the district wherein they reside, or by the high school board of an adjoining district, for not less than four sixty-minute hours per week for the regularly established annual school term . . . ." (*School Law*, 1921, pp. 300–301.)

Special Classes for Instruction in English.

Persons over 18 and under 21 who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the

completion of the 6th grade of the elementary schools of the state, and who are not in attendance upon a public or private full-time or part-time school, shall, for at least four sixty-minute hours per week, attend a special class maintained for persons who cannot read, speak, or write the English language. (*School Law*, 1921, pp. 301–302.)

Truancy.

(*School Law*, 1921, pp. 168–187.)

Child Labor.

(*School Law*, 1921, pp. 189–194.)

Private Schools Conducted in a Foreign Language.

"No person shall conduct or teach in a private school, conducted wholly or in part in a language of a foreign nation in this state unless and until he shall have first applied to and obtained a permit so to do from the superintendent of public instruction or deputy appointed by the superintendent for such purposes. This shall also be construed to include persons exercising or performing administrative powers in any such school."

Such permit shall be issued to persons having knowledge of American history and institutions, and knowing how to read, write and speak English.

Applicants must file affidavit to observe this law and to endeavor to make pupils loyal citizens.

Such private schools shall not be in session during hours of public schools, nor more than one hour each day, six hours each week, thirty-eight weeks each year.

Such private schools may be inspected by the superintendent of public instruction. (*School Law*, 1921, pp. 71–73.)

COLORADO

Exemption from Taxation.

"Lots, with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools, or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law." (*Constitution*, Art. X, Sec. 5.)

No Appropriation for Sectarian Purposes.

"Neither the general assembly, nor any county, city, town, township, school district, or other public corporation shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money, or other personal property ever be made by the State, or any such public corporation to any church or for any sectarian purpose." (*Constitution*, Art. IX, Sec. 7.)

Compulsory Education.

"That in all school districts of this state, all parents, guardians and other persons having care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography and arithmetic. In such districts, every parent, guardian or other person having charge of any child between the ages of eight and sixteen years, shall send such child to a public, private or parochial school for the entire school year during which the public schools are in session in such districts; Provided, however, That this act shall not apply to children over fourteen years of age where such child shall have completed the eighth grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parent's support, or where for good cause shown it would be for the best interests of such child to be relieved from the provisions of this act; Provided, further, That if such child is being sufficiently instructed at home by a person qualified, such child shall not be subject to the provisions of this act; . . . ." (*School Laws*, 1917, p. 40.)

"All minors over the age of 14 years and under the age of 16 years who cannot read and write the English language, shall attend school at least one-half day of each day, or attend a public night school, or take regular private instruction from some person qualified, in the opinion of the county superintendent of schools, in which such district or the greater portion of the same lies, until such minor obtains a certificate from such superintendent that he or she can read at sight and write legibly, simple sentences in English. (*School Laws*, 1917, p. 41.)

Instruction in Private Schools.

"The compulsory school law requires that children between the ages of eight and sixteen, attending a private school, should receive such instruction as would be an equivalent to that given in the public schools. It is the duty of the truant officer to investigate such cases and require whatever statements may be necessary concerning the work." (*Decisions, School Laws*, 1917, Appendix, No. 73.)

Use of English.

"Instruction in the common branches of study in the public elementary schools of this state shall be conducted through the medium of the English language only, nor shall any other than the English language be taught as a separate and distinct branch of itself.

"During the time that the public schools of the district in which he is a resident are in session, no child of school age who has not completed the eighth grade shall be permitted to attend any school where the common branches are not taught in the English language." (*Educational Laws*, 1919, p. 31.)

Truancy.

(*School Laws*, 1917, pp. 42–45, 172–175.)

Delinquency.

(*School Laws*, 1917, pp. 37–39.)

Child Labor.

(*School Laws*, 1917, pp. 26–37.)

Religious Instruction in Truant Schools.

"No religious instruction shall be given in such school, except such as is allowed by law to be given in public schools; but the board of education shall make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children, either by allowing religious services to be held in the institution or by arranging for attendance at public service elsewhere." (*School Laws*, 1917, pp. 172–173.)

Oath of Allegiance.

"Any person now holding a certificate to teach in any public school in the state of Colorado or who shall hereafter be issued a certificate to teach in such public school within the state of Colorado shall subscribe to the following oath or affirmation:

"'I solemnly swear or affirm that I will support the constitution of the State of Colorado, and of the United States of America and the laws of the State of Colorado and of the United States, and will teach, by precept and example, respect for the flags of the United States and of the State of Colorado, reverence for law and order and undivided allegiance to the government of one country, the United States of America.'"

"Every teacher now teaching, or who may hereafter be employed to teach in any private or parochial school or in any academy, college, university or other institution of learning in the State of Colorado, shall, before entering upon, or continuing, the discharge of his or her duties, be required to take the same oath or affirmation of allegiance as that prescribed for public school teachers." (*Session Laws*, 1921, Chapter 213.)

CONNECTICUT

School Fund Not to be Diverted.

"The fund, called the School Fund shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public, or common schools throughout the State, and for the equal benefit of all the people thereof. The value and amount of said fund, shall, as soon as practicable, be ascertained in such manner as the General Assembly may prescribe, published, and recorded in the Controller's office; and no law shall ever be made, authorizing said fund to be diverted to any other use than the encouragement and support of public, or common schools, among the several school societies, as justice and equity shall require." (*Constitution*, Art. VIII, Sec. 2.)

Compulsory Attendance.

"All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic, and United States history. Every parent or other

person having control of a child over seven and under sixteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, or while the school is in session where provision for the instruction of such child is made according to law, unless the parent or person having control of such child can show that the child is elsewhere receiving regularly thorough instruction during said hours and terms in the studies taught in the public schools." (*School Code*, 1922, p. 12.)

Registers and Reports.

"Attendance of children at a school other than a public school shall not be regarded as compliance with the laws of the State requiring parents and other persons having control of children to cause them to attend school, unless the teachers or persons having control of such school shall keep a register of attendance in the form and manner prescribed by the state board of education for the public schools, which register shall at all times during school hours be open to the inspection of the secretary and agents of the state board of education, and shall make such reports and returns concerning the school under their charge to the secretary of the state board of education as are required from the school visitors concerning the public schools, except that no report concerning expenses shall be required. The secretary of the state board of education shall furnish to the teachers or persons having charge of any school, on their request, such registers and blanks for returns as may be necessary for compliance with the provisions of this section." (*School Code*, 1922, pp. 14–15.)

Part-Time School.

"Every child between fourteen and sixteen years of age, residing in a city, town, or district in which public continuation schools are maintained, in possession of either an employment or a leaving certificate issued under the provisions of the general statutes and who has not completed such course of study as is required for the completion of the eight elementary grades or the equivalent of such grades in the public schools of such city, town, or district, shall attend a public continuation school of such city, town or district, or other continuation school during an equivalent course of instruction, for not less than four hours each week in each school year, between the hours of eight a. m. and five p. m., the time in continuation school to be counted as part of the working day or working week." (*School Code*, 1922, p. 24.)

Truancy.

(*School Code*, 1922, pp. 15–17.)

Child Labor.

(*School Code*, 1922, pp. 139–144.)

Instruction in Citizenship.

"The duties of citizenship, including the knowledge of the form of national, state and local government, shall be taught in all elementary

schools, both public and private, as a regular branch of study to pupils above the fourth grade. The provisions of this section shall apply to classes in ungraded schools corresponding to the grades designated herein. Normal schools and teachers' training schools shall give instruction in said subjects and concerning methods of teaching the same. The State Board of Education shall prepare and distribute to every school an outline of questions and suggestions relating to said subjects, and said outline may be used in such schools." (*Session Laws*, 1923, Chapter 148.)

Use of English in Schools.

"The medium of instruction and administration in all public and private elementary schools in this state shall be the English language and not more than one hour in any school day may be given to instruction in any one language other than English. A person who shall violate any provision of this act shall be fined not less than fifty dollars nor more than five hundred dollars or imprisoned not more than six months or both." (*Session Laws*, 1923, Chapter 166.)

Approval of Incorporated Academies.

"The State Board of Education may examine any incorporated or endowed high school or academy in this state, and if it appears that said school or academy has a satisfactory high school course of study and sufficient equipment for high school instruction, said board shall approve said school or academy under the provisions of this chapter, and any town in which a high school is not maintained shall pay the whole or a a part of the tuition fee of scholars attending such school or academy, and such town shall be reimbursed therefor by the state under the terms and conditions of this chapter." (*School Code*, 1922, p. 80.)

Teachers of Incorporated Secondary Schools May be Included in Retirement System.

"Any incorporated secondary school not under the orders and superintendence of a duly elected school committee or board of education, but located in a town not maintaining a high school and providing free tuition to pupils of the town in which it is located, and which shall have been approved by the State Board of Education under the provisions of Chapter 54 of the general statutes, may upon application of its board of trustees be considered a 'public school' and included in the retirement system for teachers at the discretion of the retirement board." (*School Code*, 1922, p. 97.)

Use of Public Schoolhouse.

"Any school district or town may, by a vote of two-thirds of those present at any legal meeting, allow its schoolhouse or schoolhouses, when not in use for school purposes, to be used for any other purpose." (*School Code*, 1922, p. 55.)

DELAWARE

No Appropriation for Sectarian Purposes; Exemption from Taxation

"No portion of any fund now existing, or which may hereafter be appropriated, or raised by tax, for educational purposes, shall be appropriated to, or used by, or in aid of any sectarian, church or denominational school; provided, that all real or personal property used for school purposes, where the tuition is free, shall be exempt from taxation and assessment for public purposes." (*Constitution*, Art. X, Sec. 3.)

School Attendance.

"All the white public schools of the state shall be free to all the white children of school age, resident in the state; and all the colored public schools of the state shall be free to all the colored children of school age, resident of the state.

"Every parent, guardian or other person in this state having control of a child between the ages of seven and fourteen is required to and shall send such child to a free public school each day of the minimum school year of one hundred and sixty days. Every such parent, guardian or other person having control of a child fourteen years of age or fifteen years of age, or sixteen years of age, who has not completed the work of the eighth grade of the free public schools of the School District or Special School District in which the child resides, is required to and shall send such child to a free public school in such District not less than one hundred days, as nearly consecutive as possible, beginning not later than November first of the school year; unless it can be shown, and witnessed by written endorsement, to the satisfaction of the Superintendent of Schools of a Special School District, or in the case of School Districts, to the satisfaction of an official designated by the State Board of Education, and by a written examination, that such child is elsewhere receiving regular and thorough instruction during said minimum school year as above provided in the subjects prescribed for the elementary schools of the state, in a manner suitable to children of the same age and stage of advancement. Provided that the written certificate of a principal, teacher or Board of Trustees, or other person or persons in charge of a private school shall be satisfactory evidence to the Superintendent of a Special School District, and in the case of School Districts, shall be satisfactory evidence to the said official designated by the State Board of Education that such child is receiving regular and thorough instruction required under this section." (*School Code*, 1921, pp. 62–64.)

Use of English.

"All elementary school subjects shall be taught in the English language in all schools in the state." (*School Code*, 1921, p. 13.)

Teacher Training.

"No individual, public or private educational association, corporation or institution shall offer a course or courses for the training of public school teachers without having first procured the assent of the State Board of Education to such teacher training course." (*School Code*, 1921, p. 14.)

Private Schools Must Report.

"All persons conducting private schools, and all private educational associations, corporations, or institutions shall report to the State Board of Education annually, on or before the thirty-first day of July, as to enrollment, age of pupils and attendance. Such persons shall also submit a monthly report on form provided by the State Board of Education to the State Board of Education; giving the name of each pupil enrolled, the date of enrollment, total days of attendance to date, and the number of days in attendance during the month for which the particular report is made.

"Private teachers and the principal or head teacher of private schools or educational institutions shall make out and sign such records as are required by the laws regulating child labor as provided by Article III of Chapter Ninety of the Revised Code." (*School Code*, 1921, pp. 85–86.)

Instruction in the Constitution.

"In all public and private schools located within the State of Delaware, commencing with the school year next ensuing after the passage of this Act, there shall be given regular courses of instruction in the Constitution of the United States and the Constitution of the State of Delaware.

"Such instruction in the Constitution of the United States and the Constitution of the State of Delaware shall begin not later than the opening of the Eighth Grade, and shall continue in the High School course and in courses of state and municipal institutions to an extent to be determined by the State Board of Education." (*Session Laws*, 1923, Chapter 183.)

FLORIDA

Exemption from Taxation.

"The property of all corporations, ... shall be subject to taxation unless such property be held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes." (*Constitution*, Art. XVI, Sec. 16.)

No Appropriation for Sectarian Purposes.

"No law shall be enacted authorizing the diversion or the lending of any County or District School Funds, or the appropriation of any part of the permanent or available school fund to any other than school purposes; nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school." (*Constitution*, Art. XII, Sec. 13.)

Compulsory Attendance.

"From and after July 1st, 1919, every parent, guardian or other person having citizenship within the State of Florida having the custody, control or charge of any child or children within the State of Florida between the ages of seven and sixteen years, both inclusive, shall cause said child or children to attend a public or private school each year for a term or period of not less than substantially the number of days the public or private school which said child attends is held annually in the district

in which the school is located or in which such child or children may reside; Provided, that any child may be taught by parent or guardian upon written authority from the County Superintendent of Public Instruction." (*School Code*, 1921, p. 99.)

Record of Attendance.

"Whenever, under the provisions of this Act, any child shall receive instruction privately or in any private school, the private teacher, principal or teacher in charge of such private school shall keep a record of the attendance of such child or children and the County Superintendent in checking his lists of attendance may call on the private school principal to verify a child's attendance." (*School Code*, 1921, p. 101.)

Medical Inspection.

"All school children shall be examined as to their physical condition at least once during each school year." (*School Code*, 1921, p. 93.)

Inspection of Private Institutions.

"The Governor of this State, upon the recommendation of the Board of County Commissioners, shall appoint a commission in each county, to consist of six members, three of whom shall be women and three shall be men, to inspect all public and private charitable institutions within the county, including hospitals, sanatoriums, public and private schools, high schools and colleges, alms houses, houses of the Good Shepherd, detention, and reformatory institutions, nunneries, convents, asylums, seminaries and other institutions maintained by religious or educational institutions.

"It shall be the duty of the commission to visit each institution mentioned in the foregoing section situated within the county, once each year, or oftener, if the commission deem it necessary for the purpose of ascertaining the treatment of the inmates of said institutions and the general conditions of said institutions, and report their findings to the Governor and the county commissioners of the county: Provided, The visits of the said commission shall not be made known or announced beforehand." (*School Code*, 1921, p. 92.)

GEORGIA

Exemption from Taxation.

"The General Assembly may, by law, exempt from taxation all . . . places of religious worship or burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy, or other seminary of learning; . . . . Provided, the property so exempted be not used for purposes of private or corporate profit or income." (*Constitution, Art.* VII, Sec. 2 No. 2.)

No Public Funds for Sectarian Purposes.

"No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, or denomination of religionists, or of any sectarian institution." (*Constitution*, Art. I, Sec. 1, No. 14.)

Compulsory Attendance.

"Every parent, guardian or other person having charge and control of a child between the ages of eight and fourteen years, who is not exempted or excused as hereinafter provided, shall cause said child to be enrolled in and to attend continuously for six months of each year a public school of the district or of city or town in which the child resides; which period of attendance shall commence at the beginning of the first term of said school in the year. Such attendance at a public school shall not be required where the child attends for the same period some other school giving instruction in the ordinary branches of English education, or has completed the seventh grade of school work as prescribed by the State Board of Education, or where, for good reasons, the sufficiency of which shall be determined by the Board of Education of the county or of the city or town in which the child resides, the said board excuses temporarily the child from such attendance . . . ." (*School Code*, 1920, p. 59.)

IDAHO

No Appropriation for Sectarian Purposes.

"Neither the legislature nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund or moneys whatever, anything in aid of any church or sectarian, or religious society, or for any sectarian or religious purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church, sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the state or any such public corporation, to any church or for any sectarian or religious purpose." (*Constitution*, Art. IX, Sec. 5.)

Compulsory Attendance.

"In all districts of this state all parents, guardians and other persons having care of children shall instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography and arithmetic. In such districts every parent, guardian or other person having charge of any child between the ages of 8 and 18 years, shall send such child to a public, private or parochial school for the entire year during which the public schools are in session in such district; Provided, however, that this article shall not apply to children over 15 years of age where such child shall have completed the eighth grade." (*School Code*, 1921, p. 40.)

Use of English in Schools.

"It shall be unlawful for any school superintendent, school principal, teacher, instructor, trustee, school board or school department to teach or cause to be taught in the grade schools and high schools, or in any school teaching similar branches in the State of Idaho, any subject in any language other than the English language: Provided, further, That the provisions of this article shall not apply to instructions in any particular language for the purpose of teaching said language, nor to the use of foreign words and phrases in designating scientific terms." (*School Code*, 1921, p. 96.)

Delinquency.

(*School Code*, 1921, pp. 102–108.)

Supervision of Institutions Receiving Delinquent Children.

"All institutions or associations, other than state institutions, receiving children under this article (Delinquency), shall be subject to the same visitation, inspection and supervision as are public charitable institutions of this state." (*School Code*, 1921, p. 106.)

Child Labor.

(*School Code*, 1921, pp. 109–111.)

Teaching the Constitution.

"In all public and private schools located within the State of Idaho, there shall be given instruction in the constitution of the United States, commencing with the school year next following the passage of this act. Such instruction in the constitution of the United States shall be given in the elementary course in the sixth grade, shall be given as a grammar grade course in the eighth grade, and shall continue in the high school course, and in the courses in state colleges and universities, and the educational departments of state and municipal institutions, to an extent to be determined by the State Board of Education." (*Session Laws*, 1923, Chapter 26.)

ILLINOIS

Appropriations for Sectarian Purposes.

"Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the state or any such public corporation to any church or for any sectarian purpose." (*Constitution*, Art. VIII, Sec. 3.)

"No county, city, town, township, school district or other public corporation shall make any appropriation, or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to support or sustain any school, academy, seminary, college, university, or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money or other personal property, be made by any such corporation to any church or for any sectarian purpose." (*School Code*, 1921, pp. 94–95.)

Exemption from Taxation.

". . . . and such other property as may be used exclusively . . . . for school, religious . . . . and charitable purposes, may be exempted from taxation." (*Constitution*, Art. IX, Sec. 3.)

Compulsory Attendance.

"Every person having control of any child between the ages of seven and sixteen years, shall annually cause such child to attend some public or private school for the entire time during which the school attended is in session, which shall not be less than seven months of actual teaching: Provided, that in the following cases children shall not be required to attend the public schools:

"a. Any child who is being taught in a private or a parochial school in such branches as are taught to children of corresponding age and grade in the public schools, or who, upon completion of the work in such schools, shall present satisfactory evidence to the county superintendent of schools, and, in appropriate cases, to the superintendent of city schools, that he has completed sufficient work to entitle him to an eighth grade diploma;" (*School Code*, 1921, p. 97.)

Truancy.

(*School Code*, 1921, pp. 98–100.)

Child Labor.

(*School Code*, 1921, pp. 111–118.)

Continuation Schools.

Boards of education or school directors may establish continuation schools for minors between 14 and 16, after September, 1921; for minors between 14 and 17, after September, 1923; and for minors between 14 and 18, after September, 1925. Every minor who is not attending school and has not completed a high school course must attend a continuation school class, when and where one is established in the district in which he resides. Attendance shall be for 8 hours a week for 36 weeks, or for 300 hours during three successive months.

"Nothing in this Act contained shall be held, deemed or construed as having any application to children or minors who attend private or parochial day schools or to children or minors who are receiving equivalent educational training or instruction in the homes of their parents or guardians either by said parents or guardians or by private tutors provided by said parents or guardians." (*School Code*, 1921, p. 123.)

Parental or Truant Schools.

"The Board of Education shall make suitable regulations so that the inmates (of parental or truant schools) may receive religious training in accordance with the belief of the parents of such children either by allowing religious services to be held in the institution or by arranging for attendance at public service elsewhere." (*School Code*, 1921, p. 60.)

English as the Language of Instruction.

"Instruction in the elementary branches of education in all schools in Illinois shall be in the English language." (*School Code*, 1921, p. 101.)

Reports from Colleges.

The Superintendent of Public Instruction shall "request the president, principal, or other proper officer of every organized university,

college, seminary, academy or other educational institution, whether incorporated or unincorporated, to submit such report as he may require, in order to lay before the General Assembly a full exhibit of the affairs and conditions of such institutions and of the educational resources of the state." (*School Code*, 1921, p. 7.)

Superintendent to Visit Institutions.

It shall be the duty of the Superintendent of Public Instruction "to visit such of the charitable institutions of the state as are educational in their character, to examine their facilities for instruction, and to prescribe forms for such reports as he may desire from their superintendents." (*Session Laws*, 1923, p. 576.)

Schoolhouses.

The Board of Directors "shall grant the temporary use of public school houses, when not occupied by schools, for religious meetings and Sunday schools." (*School Code*, 1921, p. 44.)

INDIANA

School Support.

"No money shall be drawn from the treasury for the benefit of any religious or theological institution." (*Constitution*, Art. I, Sec. 6.)

Exemption from Taxation.

"The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law." (*Constitution*, Art. X, Sec. 1.)

Compulsory Attendance.

"Unless otherwise provided herein, every child between the ages of seven and sixteen years shall attend public school, or other school taught in the English language which is open to the inspection of local and state attendance and school officers; and such child shall attend such school each year during the entire time the public schools are in session in the school district in which such child resides. . . . . Every principal and teacher in every public or other school which is attended by one or more minors between the ages or seven and sixteen years shall furnish, on the request of the superintendent of the atttendance district wherein such school is located, a list of names, addresses and ages of all minors attending such school and shall further report immediately to such superintendent the name, address and date of withdrawal of every such minor under sixteen years of age withdrawing from such school and shall also immediately report to such superintendent the name and address of every such pupil absent from school without lawful excuse." (*Supplement to School Code*, 1921, pp. 71–72.)

School Attendance Record.

"An accurate daily record of the attendance of all children between the ages of seven and sixteen years shall be kept by the teacher of every public and other school and such record shall at all times be open to the inspection of attendance and school officials and agents of the industrial board of Indiana, and every such teacher shall fully answer all inquiries lawfully made by such attendance and school officials and such agents of the industrial board of Indiana." (*Supplement to School Code*, 1921, p. 74.)

Child Labor. Truancy.

(*Supplement to School Code*, 1921, pp. 72–84.)

Vocational Schools.

Where vocational schools have been established, the board of education or township trustees may require all youths between the ages of fourteen and seventeen or eighteen, who are regularly employed, to attend part-time school not less than four hours per week between 8 a. m. and 5 p. m. during the school term. (*Supplement to School Code*, 1921, p. 40.)

All Subjects to be Taught in English.

"Be it enacted by the General Assembly of the State of Indiana, That all subjects and branches taught in the elementary schools of the State of Indiana and all elementary schools maintained in connection with benevolent or correctional institutions, shall be taught in the English language only, and the trustee, and such other officers as may be in control, shall have taught in them, orthography, reading, writing, arithmetic, geography, English grammar, physiology, history of the United States, scientific temperance and good behavior, and such other branches of learning as the advancement of pupils may require, and the trustee, and other officers in control direct: Provided, That the German language shall not be taught in any of the elementary schools of this state. The tuition in such schools shall be without charge." (*Supplement to School Code*, 1921, p. 3.)

German Language Forbidden.*

"All private and parochial schools and all schools maintained in connection with the benevolent and correctional institutions within this state which instruct pupils who have not completed a course of study equivalent to that prescribed for the first eight grades of the elementary schools of this state, shall be taught in the English language only, and the persons or officers in control shall have taught in them such branches of learning as the advancement of pupils may require, and the persons or officers in control direct: Provided, That the German language shall not be taught in any such schools within this state." (*Supplement to School Code*, 1921, p. 3.)

State Teachers' Training Board.

"POWERS AND DUTIES—The state board of education, in addition to its present powers and duties, shall be and is hereby constituted a state

* See U. S. Supreme Court decision in the Nebraska foreign language case, p. 159.

teachers' training board, and, as such, is authorized and directed to arrange for a regular system of normal school instruction throughout the state; to accredit such schools and professional departments in schools as shall comply with the standard now in full force as hereafter fixed by legislative enactment in the state system of normal school instruction; to establish, inspect, pass upon and approve, reject, alter, amend or enlarge courses of study and teaching in the several accredited normal schools and the accredited professional departments in schools of the state; to determine upon credits to be allowed for the work of accredited schools and departments, and equivalents, if any, to be accepted for such work, or any part thereof; and to determine upon the school grades or years to which each kind of teachers' certificates shall apply. Said board shall make no rule, regulation or requirement applying to any accredited school or department which shall not under like circumstances apply to each and every accredited school and department in the state, nor shall any requirement be in excess of the requirements of the Indiana state normal school; it being the purpose and intent of this act that all schools and departments for normal instruction and the training of teachers shall maintain as nearly as possible like standards of excellence and efficiency. (*Supplement to School Code*, 1921, p. 7.)

"Authority to Approve Courses—Percentage of Credits. The state teachers' training board be and the same is hereby authorized to establish an approved two years' course, an approved three years' course, and an approved four years' course for the training of teachers in any accredited school or department, maintaining a practice teaching department: Provided, That not less than one-fifth (1/5) of the number of credits in said courses shall be in professional subjects including observation and practice teaching." (*Supplement to School Code*, 1921, pp. 7–8.)

"Prescribe Courses of Study—Certificates Recognized by State Normal. The state teachers' training board shall have power and authority to prescribe courses of study upon completion of which graded certificates of work done may be granted by any such accredited school, which certificate shall be recognized by the Indiana State Normal School so far as such certificates meet the requirements of said school's course." (*Supplement to School Code*, 1921, pp. 4–5.)

" 'Accredited' School or Department—Said state teachers' training board shall grant to each school and department accepting the provisions of this act and agreeing to be bound by the rules and regulations of said board the right to use the word 'accredited' as a part of the title or name of such school or department, which right shall be revoked by said board at any time upon the refusal of any such school or department to abide by any rule or regulation of said board." (*Supplement to School Code*, 1921, p. 5.)

"Life Certificate—To Whom Issued. It shall be the duty of the state teachers' training board to issue without examination to every holder of a state elementary provisional certificate, issued under the provisions of this act, a life certificate of like force and effect upon satisfactory evidence that the holder thereof has completed at least two (2) years of successful teaching in the public elementary schools within the life of said provisional certificate; and to issue without examination a life state high school certificate to the holder of a high school provisional certificate,

issued under the provisions of this act, for teaching in any high school in the state the subjects in which he has earned two (2) full years of credit, upon satisfactory evidence that the holder thereof has completed at least two (2) years of successful experience in high school teaching in said subjects." (*Supplement to School Code*, 1921, p. 5.)

"INSPECTION AND SUPERVISION OF TEACHERS' TRAINING COURSES—The State Superintendent of Public Instruction, with the approval of the state teachers' training board, may appoint a suitable person to inspect and supervise said teachers' training courses and professional courses in said accredited schools and departments, under the direction of the state superintendent of public instruction and the state teachers' training board. The salary and term of office of such person shall be fixed by the state teachers' training board and he shall be removable only by said board." (*Supplement to School Code*, 1921, pp. 5–6.)

Certification of Teachers.

(*Supplement to School Code*, 1921, pp. 6–10.)

Physical Education in Accredited Schools and Departments.

"The State Board of Education, in arranging for a regular system of normal school instruction throughout the state, and in designating what schools and professional departments therein shall be accredited in the state system of normal school instruction, may prescribe and require that no public or private educational institution of the state shall be admitted to the 'accredited' class of the state system of normal school instruction unless and until such educational institutions shall prescribe a suitable course in physical education, to be approved by the board, and shall make the completion of such course a requirement for graduation." (*Supplement to School Code*, 1921, pp. 30–31.)

Physical Education Courses in Schools.

"The State Board of Education may prescribe suitable courses of instruction in physical education, in accordance with the provisions of this act, for all pupils enrolled in the private, elementary and high schools of the state, except pupils who may be excused from such training on account of physical disability, such physical disability to be determined by the health supervisor of the school corporation, if there be a health supervisor, or by any reputable physician licensed to practice medicine in the state. Such courses of instruction in physical training shall be adapted to the ages and capabilities of the pupils in the several grades of the elementary and high schools and shall include physical exercises, calisthenics, formation drills, games and athletics and such other features and details as, in the discretion of the State Board of Education, may aid in carrying out the spirit and purpose of this act." (*Supplement to School Code*, 1921, pp. 28–29.)

High Schools.

High school inspectors shall "confer with private and parochial school authorities and advise with them for the purpose of improving and standardizing the work of these schools and for the purpose of coordinating the work of the teachers and others charged with the responsibilities of these schools." (*Supplement to School Code*, 1921, p. 66.)

Health Inspection.

"In every city of this state having a population of more than one hundred thousand, according to the last United States census, it shall be the duty of the board of public health and charities of such city, for the protection of public health, to make medical inspection, from time to time, of all persons attending, or employed in or about all public, private and parochial schools in such city." (*School Code*, 1917, pp. 180–181.)

Use of Schoolhouse for Private School.

"When a schoolhouse is unoccupied by a common school of the state, and the people who form the school at such house desire that a private school be taught therein, and a majority of them make application to the trustee having charge of such house for the use of it for such private school, it shall be the duty of the trustee to permit said school house to be used for such private school by such teacher as may be mentioned in the application, but not for a longer time than until said house may be wanted for a public school; and such permission and use shall be upon the condition that the teacher employed in said school shall report, in writing, to the trustee—

"*First*—The number of teachers employed, distinguishing between male and female.

"*Second*—The number of pupils admitted into the school within the term, and the average daily attendance.

"*Third*—The cost of tuition, per pupil per month, in said school." (*School Code*, 1917, p. 108.)

Compulsory Fire Drill.

"It shall be the duty of the state fire marshal, his duputies and assistants to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours." (*School Code*, 1917, p. 128.)

German—Prohibited in the Elementary Schools.

"School authorities are prohibited from teaching in the German language the catechism or other religious subjects or school subjects in public, private, or parochial schools in Indiana. (Opinion dated March 6, 1919, Attorney-General Stansbury.)" (*Supplement to School Code*, 1919, p. 50.)

German Prohibited in the High Schools.

"It is unlawful for school authorities to permit the teaching of German in the high schools of the state. (Opinion dated March 26, 1919, Attorney-General Stansbury.)" (*Supplement to School Code*, 1919, p. 50.)

Sisters May Teach in Public Schools.

"On April 7, 1921, Attorney-General Lesh published an opinion to the effect that the wearing of a religious garb does not disqualify a person to teach in the public schools of Indiana.*

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*See "State Supreme Court Decisions on the Wearing of Religious Garb in Public Schools," p. 203 and "Nuns as Public School Teachers," p. 207.

IOWA

Compulsory Attendance.

"Any person having control of any child of the age of seven to sixteen years inclusive, in proper physical and mental condition to attend school, shall cause such child to attend some public, private, or parochial school, where the common school branches of reading, writing, spelling, arithmetic, grammar, geography, physiology, and United States history are taught, or to attend upon equivalent instruction by a competent teacher elsewhere than school, for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December; but the board of school directors in any city of the first or second class may require attendance for the entire time the schools are in session in any school year." (*School Laws*, 1919, p. 70.)

Private Schools to Report.

"Upon notice from the secretary of the school corporation within which such school is conducted, it shall be the duty of each principal of each private or parochial school, once during each school year, and at any time when requested in individual cases, and within ten days from the receipt of such notice, to furnish to such secretary a certificate and report of the names, ages and attendance of the pupils in attendance at such school during the preceding year and from the time of the last preceding report to the time at which a report is required. . . . ." (*School Laws*, 1919, p. 71.)

English Language in Schools. *

"The medium of instruction in all secular subjects taught in all of the schools, public and private, within the state of Iowa, shall be the English language, and the use of any language other than English in secular subjects in said schools is hereby prohibited, provided, however, that nothing herein shall prohibit the teaching and studying of foreign languages as such as a part of the regular school course in any such school, in all courses above the eighth grade." (*School Laws*, 1919, p. 91.)

Truancy.

(*School Laws*, 1919 pp. 71–73.)

Child Labor.

(*School Laws*, 1919, pp. 107–108.)

History and Civics Must be Taught.

"All public and private schools located within the state of Iowa shall be required to teach the subject of American citizenship.

"The superintendent of public instruction shall prepare and distribute to all elementary schools an outline of American citizenship for all grades from one to eight inclusive.

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* See U. S. Supreme Court Decision on validity of this law, p. 159.

"Public and private high schools, academies, and other institutions ranking as secondary schools which maintain three year courses of instruction shall offer a minimum of instruction in American history and civics of the state and nation to the extent of two semesters, and schools of this class which have four year courses shall offer in addition one semester in social problems and economics.

"The superintendent of public instruction shall distribute to all high schools, academies, and institutions ranking as secondary schools, an outline of a course of study in American history, civics, of the state and nation, social problems and economics prepared under his direction." (*School Laws*, 1919, pp. 90–91.)

Normal Training in Private High Schools.

"For the purpose of increasing the facilities for training teachers for the rural schools, by requiring a review of such common branches as may be deemed essential by the superintendent of public instruction and for instruction in elementary pedagogy and the art of teaching elementary agriculture and home economics, provision is hereby made for normal courses of study and training in such four-year high schools as the superintendent of public instruction may designate; provided that such high schools shall be selected and distributed with regard to their usefulness in supplying trained teachers for the rural schools of all portions of the state, and with regard to the number of teachers required for rural schools in each portion of the state.

"Private and denominational schools are eligible to the provisions of this act, except as to receiving state aid." (*School Laws*, 1919, pp. 9–10.)

Physical Education in Teacher-Training Institutions.

"After September 1, 1923, every high school, state college, university or normal school giving teacher training courses shall provide a course or courses in physical education." (*Session Laws*, 1923, Chapter 68.)

Fire Drill.

"It shall be the duty of the state fire marshal and his deputies to require teachers of public and private schools, in all buildings of more than one story, to have at least one fire drill each month." (*School Laws*, 1919, p. 89.)

KANSAS

Exemption from Taxation.

"All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, ... shall be exempted from taxation." (*Constitution*, Art. XI, Sec. 1.)

No Public Funds for Sectarian Purposes.

"No religious sect or sects shall ever control any part of the common-school or university funds of the state." (*Constitution*, Art. VI, Sec. 8.)

Compulsory Attendance.

"Every parent, guardian, or other person in the state of Kansas, having control over or charge of any child who has reached the age of seven years and is under the age of sixteen years, shall require such child to attend continuously a public school or a private, denominational or parochial school taught by a competent instructor, in which all instruction shall be given in the English language only, each school year, for such period as the public school of the district in which the child resides is in session." (*School Laws*, 1923, p. 20.)

Truancy.

(*School Laws*, 1923, pp. 20–22.)

Child Labor.

(*School Code*, 1920, pp. 50–52.)

Use of English in Schools. Subjects to be Taught. Power of Visitation.

"All elementary schools in this state, whether public, private or parochial, shall use the English language exclusively as the medium of instruction.

"All schools, public, private, or parochial, shall provide and give a complete course of instruction to all pupils, in civil government, and United States history, and in patriotism and the duties of a citizen, suitable to the elementary grades.

"The State Board of Education shall have the power of visitation to see that the provisions of this act are complied with, and if it be found that any provision of this Act is being violated, the state board shall order such school forthwith to comply with this act, and if such order be not complied with within thirty days after such order, excluding vacation periods, then the state board shall be authorized to order such school to be closed, and the county attorney of the county, where such school is located, or the attorney general of the state of Kansas, at the election of the State Board of Education, shall enforce the orders of the board by action in the name of the state on his relation or the relation of such board of education." (*School Code*, 1920, p. 197.)

Accrediting High Schools.

"The State Board of Education shall have exclusive and sole authority to define official standards of excellence in all matters relating to the administration, course of study, and instruction in rural schools, graded schools, and high schools, and to accredit those schools in which the specified standards are maintained; and the board may grant to accredited schools an appropriate certificate or other evidence of approval." (*School Code*, 1920, p. 232.)

Graduates of Accredited High Schools.

"Any person who shall complete a four-year course of study in any high school accredited by the State Board of Education shall be entitled to admission to the freshman class of the State University, the State

Agricultural College, or any of the state normal schools, on presenting a statement containing a transcript of his high school record signed by the principal of the school and certifying that such person has satisfactorily completed said course of study." (*School Code*, 1920, pp. 232–233.)

Accrediting Colleges.

"Upon application of any college or university, or educational institution of like standing, incorporated under the general laws of the state of Kansas, and requiring a four-year high-school course or its equivalent, approved by the State Board of Education, as a condition of admission to its freshman class, the State Board of Education shall have the power to examine the course of study prescribed and the character of the work done by it, and if in the judgment of said board the course of study and the character of the work done shall be of such standing as to prepare the graduates of such institution to teach successfully in the public schools of this state, and if said institution maintains a department of education and the course of study prescribed includes work in said department satisfactory to the State Board of Education, the board shall place such institution on the accredited list." (*School Code*, 1920, pp. 37–38.)

Inspection of Accredited Institutions.

"Any institution on the accredited list shall be subject to examination by the State Board of Education at its pleasure with respect to its course of study, its equipment, and the character of its work; and additional requirements may be made at the pleasure of the board. Any institution failing to maintain a standard satisfactory to the State Board of Education shall be dropped from the accredited list." (*School Code*, 1920, p. 38.)

Normal Courses in High Schools.

"That for the purpose of affording increased facilities for the professional training of those preparing to teach, and particularly those who are to have charge of our rural schools, the State Board of Education shall make provisions for normal courses of study and for normal training in such high schools as said Board of Education shall designate: Provided, that said high schools shall be selected and distributed with regard to their usefulness in supplying trained teachers for schools in all portions of the state and with regard to the number of teachers required for the schools in each portion of the state.

"Accredited academies are eligible to the operation of this act, except as to receiving state aid." (*School Code*, 1920, pp. 210–211.)

Display of the Flag.

"That it shall be the duty of the school directors or boards of education of every public or proprietor of a private or parochial school in the several cities, counties, districts and school districts of this state to purchase a suitable United States flag, flagstaff and the necessary appliances therefor, and to display such flag upon or near the public, private or parochial school building or grounds belonging thereto in which school is held during school hours, and at such other times as such school directors, boards of education or proprietors may direct.

"That it shall be the duty of the said school directors, or boards of education of every public or proprietor of a private or parochial school in the several cities, counties, districts and school districts of this state to purchase a suitable United States flag for each and every room of their respective school building or buildings and to keep such United States flag or flags in display in each such school room or rooms during the school hours and at such other times as such school directors or boards of education may direct.

"That the said school directors or boards of edcuation or proprietor of a private or parochial school shall establish rules and regulations for the proper custody, care and display of the said United States flag, and, when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the schoolhouse." (*School Code*, 1920, p. 212.)

Use of Public School House.

"The district board shall have the care and keeping of the schoolhouse and other property belonging to the district. They are hereby authorized to open the school house for the use of religious, political, literary, scientific, mechanical, or agricultural societies, or societies for the suppression of crime belonging to their district, for the purpose of holding the business or public meetings of said societies, under such regulations as the school board may adopt." (*School Code*, 1920, p. 134.)

KENTUCKY

Right to Attend Private School.

"No man shall be compell d to send his child to any school to which he may be conscientiously opposed." (*Constitution*, Sec. 5.)

Exemption from Taxation.

"There shall be exempt from taxation . . . . institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education . . . ." (*Constitution*, Sec. 170.)

No Public Funds for Sectarian Purposes.

"No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used, by or in aid of, any church, sectarian or denominational school." (*Constitution*, Sec. 189.)

Compulsory Attendance.

"Every parent, guardian or other person residing within the boundaries of any county school district and having the custody, control or supervision of any child or children to be enrolled in and to attend regularly some common, private or parochial school each school year for the full term of such school, provided that in the case of a private or parochial school the term shall not be for a shorter period in each year than the term

of the common school of the district of the child's or children's residence, and that the teacher or teachers and the course of study of such private or parochial school shall have been approved by the State Board of Education, and that reports of the attendance of all children enrolled in such private or parochial school shall be submitted by such private or parochial school in the same manner as required of common schools; . . . . .

"Every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody, control or supervision of any child or children between the ages of seven (7) and sixteen (16) years, shall cause such child or children to be enrolled in and to attend regularly some public, private or parochial school each year for the full term of such school, provided that in the case of a private or parochial school, etc. (as above) . . . .

"Every child between fourteen (14) and sixteen (16) years of age to whom an employment certificate shall have been issued and who is lawfully and steadily employed and who has not satisfactorily completed the course of study corresponding to the first eight (8) years of the public schools, shall attend a continuation school when established for not less than four (4) nor more than eight (8) hours each week throughout the regular term of the public schools, between the hours of eight (8) a. m. and five (5) p. m., but in no case on Saturday afternoon or on Sunday.

"It shall be the duty of the teacher at the end of each week to report the name and the age of each and every child residing in her school subdistrict who fails to attend school as herein prescribed to the attendance officer immediately to investigate said case or cases . . . . ." (*School Laws*, 1920, pp. 29–31.)

Child Labor.

(*School Laws*, 1918, pp. 170–179.)

Use of Public School House.

"When a responsible person of any subdistrict may apply to any subdistrict trustee for the use of a schoolhouse, to be used when the school is not in session, during the school hours or vacations, by any lawful assembly of educational, religious, agricultural, political, civic or social bodies, organizations or gatherings, and if said subdistrict trustee refuse the use of the same, then the said trustee shall state his cause for refusal in writing, and if a demand, signed by five free-holders of said subdistrict, be presented to said subdistrict trustee, then he shall deliver or cause to be delivered, the keys of said school house, to such freeholder, who shall be responsible for the use and care of said school property and of avoidable damages and the return of the key to the teacher of said district, if school be in term session, or to the subdistrict trustee during vacations." (*School Laws*, 1918, pp. 6–7.)

Teaching the Constitution.

"In all public and private schools located within the state of Kentucky, commencing with the school year next ensuing after the passage of this Act, there shall be given regular courses of instruction in the Constitution of the United States.

"Such instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course, and in courses in state colleges, universities and the educational departments of state and municipal institutions to an extent to be determined by the Superintendent of Public Instruction." (*Laws Relating to Education in Kentucky*, 1924, pp. 25–26.)

LOUISIANA

No Public Funds for Private Schools.

"No public funds shall be used for the support of any private or sectarian school." (*Constitution*, Art. XII, Sec. 13.)

Exemption from Taxation.

"The following property, and no other, shall be exempt from taxation:

"Places of religious worship; . . . . property devoted to charitable undertakings, including that of such organizations as lodges and clubs organized for charitable and fraternal purposes and practicing the same; schools and colleges; but the exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes and not leased for profit or income." (*Constitution*, Art. X, Sec. 4.)

Privileges of Approved Private Schools and Colleges.

The State Board of Education "shall have authority to approve private schools and colleges, whose sustained curriculum is of a grade equal to that prescribed for similar public schools and educational institutions of the state; and the certificates or degrees issued by such private schools or institutions so approved shall carry the same privileges as those issued by the state schools and institutions." (*Constitution*, Art. XII, Sec. 7.)

Branches in Elementary Schools.

"There shall be taught in the elementary schools only fundamental branches of study, including instruction upon the constitutional system of state and national government and the duties of citizenship." (*Constitution*, Art. XII, Sec. 3.)

Compulsory Attendance.

"Every parent, guardian or other person residing within the state of Louisiana having control or charge of any child or children between the ages of seven and fourteen years both inclusive, shall send such child or children to a public or private day school." (*Session Laws*, 1922, p. 242.)

Combining of Public Schools with Private Schools of a Religious Character Prohibited.

"The school boards of the several parishes of this state are prohibited from entering into any contract, agreement, understanding or combination, tacitly or expressly, directly or indirectly, with any church,

monastic or other order or association of any religious sect or denomination whatsoever, or with the representatives thereof, or with any person or corporation conducting a school which solicits patronage from those of any particular religious faith, affiliation or persuasion, for the purpose of running any public school or schools of this state together or in connection or in combination with any private or parochial school, or other institution of learning which may be under the control or management of any church, monastic or other religious order or association of any religious sect or denomination whatsoever, or under the control of any person or corporation conducting a school which solicits patronage especially from those of any particular religious faith, affiliation or persuasion." (*Public School Laws*, 1919, pp. 130–131.)

Teacher-Training Course.

"The State Board of Education shall have authority to prescribe teacher-training courses for public or private schools doing work of at least two years in advance of that done by the public high schools, and to issue first grade certificates, without examination, to the graduates of such courses." (*Session Laws*, 1922, p. 208.)

MAINE

Rights of Religious Societies.

"All religious societies in this state, whether incorporate or unincorporated, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance." (*Constitution*, Art. I, Sec. 3.)

Compulsory Attendance.

"Every child between the seventh and fifteenth anniversaries of his birth and every child between the fifteenth and seventeenth anniversaries who cannot read at sight and write legibly simple sentences in the English language and every child between the fifteenth and sixteenth anniversaries who has not completed the sixth grade of the elementary school, shall attend some public day school during the time such shcool is in session, and an absence therefrom of one-half day or more shall be deemed a violation of this requirement; *Provided*, that necessary absence may be excused by the superintending school committee or superintendent of schools or teachers acting by the direction of either; provided, also, that such attendance shall not be required if the child obtained equivalent instruction, for a like period of time, in a private school in which the course of study and methods of instruction have been approved by the state superintendent of public schools, or in any other manner arranged for by the superintending school committee with the approval of the state superintendent of public schools; *provided further*, that children shall not be credited with attendance at a private school until a certificate showing their names, residence and attendance at such school signed by the person or persons having such school in charge shall be filed with the school officials of the town in which said children reside." (*School Code*, 1923, p. 33.)

Truancy.

(*School Code*, 1923, pp. 34–36.)

Child Labor.

(*School Code*, 1923, pp. 91–95.)

State Commissioner of Education to Prescribe Studies of Approved Private Schools. Use of English. Instruction in American History and Government.

It is the duty of the State Commissioner of Education "to prescribe the studies to be taught in the public schools and in private schools approved for attendance and tuition purposes, reserving to superintending school committees, trustees or other officers in charge of such public or private schools the right to prescribe additional studies, and the course of study prescribed by the state superintendent of public schools shall be followed in all public schools and in all private schools approved by the state superintendent for attendance or tuition purposes; provided, however, that upon the approval by the state superintendent of any course arranged by the superintending school committee of any town, or by the trustees or other officers of any private school, said course shall be the authorized course for said town or private school; provided, further, that the basic language of instruction in the common school branches in all schools, public and private, shall be the English language; and provided, further, that American history and civil government shall be taught in all common schools of elementary and high school grades, both public and private, and that American history and civil government shall be required for graduation from all grammar schools, both public and private. Nothing in this section shall be construed to prohibit the teaching in elementary schools of any language as such." (*School Code, 1923*, p. 54.)

State Aid to Academies. Conditions of Same.

"Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that any incorporated academy in the state is prepared to give instruction equivalent to that required by law to be given in free high schools, that the pupils attending the said academy are qualified to receive such instruction, and that the teachers in the said academy have the qualifications fitting them to give instruction in secondary school studies, such academy shall be entitled to receive annually from the state a sum not exceeding five hundred dollars, in case it maintains an English secondary school course of study as prescribed by the state superintendent of public schools, or a sum not exceeding seven hundred and fifty dollars in case it maintains in addition to an English course a college preparatory course, or a sum not exceeding one thousand dollars in case it maintains an English course, a college preparatory course and a training course for teachers; provided, that the courses of study herein named shall be subject to the approval of the state superintendent of public schools, and provided, that the amount paid by the state to any academy under this section shall be expended by the said academy for instruction during the year for which payment is made, and shall not exceed the total income of the said academy from all other sources; and provided, further, that in addition to the amount received from the state, a sum equal thereto shall be expended for instruction and maintenance of the academy

during said year; and provided, further, that every academy receiving money from the state under this section shall provide instruction as contemplated by this section for not less than thirty weeks in each year; and provided, further, that no academy shall be credited with maintaining a course of study under this section unless the said academy shall have an average of not less than twelve students in said course." (*School Code*, 1923, pp. 46–47.)

"No academy shall receive state aid under section ninety-eight (quoted above) if said academy has an annual income from invested funds exceeding two thousand dollars; and no academy shall receive state aid to exceed five hundred dollars in any given year provided the said academy has an annual income from invested funds exceeding one thousand dollars; provided, however, that any academy with a larger average attendance than two hundred shall receive such aid not to exceed one thousand dollars if its annual income from invested funds, after deducting interest paid on its indebtedness, does not exceed two thousand dollars." (*School Code*, 1923, p. 47.)

"Every educational institution receiving state aid, and the officers and teachers of every academy receiving money from the state, and of every academy or private school approved for attendance or tuition purposes, shall annually, on or before the first day of August, report to the state superintendent of public schools the total and average attendance, an account of the moneys received and expended during the preceding year, the number of instructors, and such schools as are approved for state aid or tuition purposes and shall report such other items as he may require. Such reports shall be published in the annual report of the state superintendent of public schools. Every such educational institution failing to comply with the above requirements shall forfeit whatever aid or assistance it would otherwise receive from the state. Wherever the word 'academy' occurs, it shall be construed to include 'seminary or institute'." (*School Code*, 1923, p. 48.)

State Aid for Maintaining Manual Training in High School or Academy.

"The superintending school committee having charge of any free high school, or the trustees of any incorporated academy may provide for instruction therein in the principles of agriculture and the domestic and mechanic arts. Whenever it shall be made to appear to the governor and council, from returns made as herein provided, that in any free high school or academy instruction has been furnished during the preceding year in the principles of agriculture, the mechanic arts or domestic science, the governor and council shall direct the treasurer of state to pay to the town supporting such free high school or to the treasurer of such academy in addition to other state aid if any, a sum equal to two-thirds the total expenditure for instruction in each of said courses; provided, however, that no school shall receive a total in excess of seven hundred and fifty dollars in any one year for the support of said courses; and, provided that state aid shall not be allowed for any course which has an average attendance of less than twelve students; and, provided further, that such aid shall not be granted unless the course of study, equipment and qualifications of instructors shall first have been approved by the state superintendent of public schools." (*School Code*, 1923, p. 59.)

MARYLAND

Approval of Private Institutions.

"Nor shall any public or private educational institution issue any certificate, diploma, or academic, collegiate, professional, or university degree without having first obtained the assent of the State Board of Education and approval of said board of the conditions of entrance, scholarship, and residence upon which said certificate, diploma, or degree is issued." (*School Code*, 1922, pp. 11–12.)

Private Institutions to Report.

"The State Board of Education shall require, with and on the advice of the State Superintendent of Schools, all private educational associations, corporations, or institutions to report annually, on or before the thirty-first day of August, as to enrollment and courses of study on such forms as the State Board of Education may provide." (*School Code*, 1922, p. 13.)

Singing the "Star Spangled Banner."

"It shall be the duty of every principal, head-master, dean or other person in charge of any grammar school, high school, normal school, private school, preparatory school, college or university in the State of Maryland, giving an academic course, who have morning, afternoon, or evening exercises or other gatherings, to open such exercises or gatherings, on at least one day of such school week, whether morning, afternoon, or evening, with the singing of the 'Star Spangled Banner'; provided, that nothing in this Act shall apply to professional schools." (*School Code*, 1922, pp. 32–33.)

Truancy.

(*School Code*, 1922, pp. 105–107.)

Record of Absence.

"It shall be the duty of the principal or head teacher of every public or private school in this State to report immediately to the school commissioners of the county where such school is located, or of Baltimore City, if located therein, or to an attendance officer or other official designated by such commissioners, the names of all children enrolled in his or her school who have been absent or irregular in attendance three days, or their equivalent, without lawful excuse, within a period of eight consecutive weeks." (*School Code*, 1922, pp. 106–107.)

Compulsory Attendance.

"Every child residing in Baltimore City between seven and fourteen years of age shall attend some school regularly . . . . during the entire period of each year, the public day schools in said city in which said child resides are in session, unless it can be shown that the child is elsewhere receiving regularly thorough instruction during said period in the studies usually taught in the said public schools to children of the same age." (*School Code*, 1922, p. 103.)

"Every child, residing in any county of the State, being seven years of age, and under thirteen years of age, shall attend some public school

during the entire period of each year that the public schools of the county are in session; unless it can be shown to the county superintendent of schools that such child is elsewhere receiving regular and thorough instruction during such period in the studies usually taught in the public schools of the county children of the same age." (*School Code*, 1922, p. 107.)

MASSACHUSETTS

No Public Funds for Sectarian Purposes.

". . . . and no grant, appropriation or use of public money or property or loan of public credit shall be made or authorized by the commonwealth or any political division thereof for the purpose of founding, maintaining or aiding any school or institution of learning, whether under public control or otherwise, wherein any denominational doctrine is inculcated, or any other school, or any college, infirmary, hospital, institution, or educational, charitable or religious undertaking which is not publicly owned and under the exclusive control, order and superintendence of public officers or public agents authorized by the commonwealth or federal authority or both . . . ." (*Constitution*, Art. XLVI.)

Compulsory Attendance. Approval of Private Schools.

"Every child between seven and fourteen, every child under sixteen who does not meet the requirements for the completion of the sixth grade of the public schools of the town where he resides, and every child under sixteen except a child holding an employment certificate and employed in some regular employment or business for at least six hours per day, and except a child having the written permission of the superintendent of schools of the town where he resides to engage in profitable employment at home, shall, subject to section fifteen, attend a public day school in said town or some other day school approved by the school committee, during the entire time the public schools are in session, unless the child attends school in another town, during the entire time the same is in session; but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable, or who is being otherwise instructed in a manner approved in advance by the superintendent or the school committee. The superintendent, or teachers in so far as authorized by him or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven days sessions or fourteen half day sessions in any period of six months. For the purpose of this section, school committees shall approve a private school only when the instruction in all the studies required by law is in English, and when satisfied that such instruction equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but they shall not withhold such approval on account of religious teaching." (*General Laws Relating to Education*, 1921, pp. 73–74.)

Continuation Schools.

Every city or town in which 200 or more minors under sixteen are regularly employed not less than six hours a day shall, and any other city or town may, establish continuation schools or courses. Minors employed

in vacation are not to be counted. When the school is established the city or town shall require attendance of minors under sixteen who are lawfully employed, but instruction in regular schools may be substituted. Required attendance is to be not less than four hours per week; and not less than 20 hours per week in case of holders of employment certificates who are temporarily unemployed. (*General Laws Relating to Education*, 1921, pp. 35–36.)

Attendance of Illiterates.

"Every illiterate minor between sixteen and twenty-one, except a married woman, shall attend some public evening school, if any, in the town of his residence, for the whole time during which the public evening schools are in session, unless he attends a public day school, or a private school approved as provided in section one by the school committee." (*General Laws Relating to Education*, 1921, p. 74.)

Registration Reports.

"The supervisory officers of all private schools shall, within thirty days after the enrollment or registration of any child of compulsory school age, report his name, age and residence to the superintendent of schools of the town where the child resides; and whenever a child withdraws from a private school, such officers shall, within ten days, notify said superintendent." (*General Laws Relating to Education*, 1921, p. 50.)

Statistical Reports.

"It (the department of education) shall prepare . . . . and annually, on or before May tenth, send to every literary, scientific or professional institution of learning in the commonwealth, and every reform school or alms house, blank forms of inquiry for such statistics as it may prescribe, relative to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school. The trustees, officers or persons in charge thereof shall annually, on or before June first, return the same with the information required." (*General Laws Relating to Education*, 1921, pp. 16–17.)

Truancy.

(*General Laws Relating to Education*, 1921, pp. 78–82.)

Child Labor.

(*General Laws Relating to Education*, 1921, pp. 108–127.)

Use of Public Schoolhouse.

"For the purpose of promoting the usefulness of public school property the school committee of any town may conduct such educational and recreational activities in or upon school property under its control, and, subject to such regulations as it may establish, and, consistently and without interference with the use of the premises for school purposes, shall allow the use thereof by individuals and associations for such educational, recreational, social, civic, philanthropic and like purposes as it deems for the interest of the community. This section shall not apply to Boston." (*General Laws Relating to Education*, 1921, p. 48.)

MICHIGAN

No Public Funds for Sectarian Purposes.

"No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose." (*Constitution*, Art. II, Sec. 3.)

Compulsory Attendance.

"Every parent, guardian or other person in the state of Michigan, having control and charge of any child between the ages of seven and sixteen years shall be required to send such child, equipped with the proper textbooks necessary to pursue his or her school work, to the public schools during the entire school year, and such attendance shall be continuous and consecutive for the school year fixed by the district in which such parent, guardian or other person in parental relation may reside . . . . Provided, That in the following cases children shall not be required to attend the public schools:

"Any child who is attending regularly and is being taught in a private or parochial school which has complied with all the provisions of this act and teaches such branches as are taught in the public schools to children of corresponding age and grade as determined by the course of study for the public schools of the school district within which such private or parochial school is located, or who, upon the completion of the work in such schools, shall present satisfactory evidence to the county commissioner of schools, or in appropriate cases, to the superintendent of schools, that he has completed sufficient work to entitle him to an eighth grade diploma." (*General School Laws*, 1923, p. 179.)

Supervision and Inspection of Private Schools. Certification of Private School Teachers. Penalties.

"SEC. 1—The superintendent of public instruction is hereby given supervision of all private, denominational and parochial schools of this state in such matters and manner as is hereinafter provided. He shall employ such assistants and employes as may be necessary to comply with the provisions hereof and fix the compensation therefor; the number of assistants and employes and the compensation payable thereto being subject to the approval of the state administrative board. Such salaries and expenses shall be paid by the treasurer of the state of Michigan upon the warrant of the auditor general from the fund as herein designated, at such time and in such manner as other state officers and employes are paid. The superintendent of public instruction shall have the authority to remove any appointee under this act at any time that he may deem such removal advisable. It is the intent of this act that the sanitary conditions of such school, the courses of study therein, and the qualifications of the teachers thereof shall be of the same standard as provided by the general school laws of the state.

"SEC. 2—A private, denominational or parochial school within the meaning of this act shall be any school other than a public school giving instruction to children below the age of sixteen years, in the first eight grades as provided for the public schools of the state, such school not being

under the exclusive supervision and control of the officials having charge of the public schools of the state.

"SEC. 3—No person shall teach or give instruction in any of the regular or elementary grade studies in any private, denominational or parochial school within this state who does not hold a certificate such as would qualify him or her to teach in like grades of the public schools of the state; Provided, however, That any person who shall have taught in any elementary school or schools of the standard specified in this act for a period of ten years or more preceding the passage of this act, shall, upon filing proof of service with the superintendent of public instruction, be entitled to a certificate by said superintendent of public instruction in such form as he shall prescribe, to teach in any of the said schools within the state: Provided further, That teaching in such schools shall be equivalent to teaching in the public schools for all purposes in obtaining a certificate: Provided further, That the teachers affected by this act may take any examination as now provided by law and that the superintendent of public instruction may direct such other examinations at such time and place as he may see fit. In all such examinations two sets of questions shall be prepared in subjects ordinarily written on Saturday, one of which sets shall be available for use on Wednesday by applicants who observe Saturday as their Sabbath: Provided further, That any certificate issued under or by virtue of this act shall be valid in any county in this state for the purpose of teaching in the schools operated under this act: Provided further, That any person holding a certificate issued by the authorities of any recognized or accredited normal school, college or university of this or other state shall be entitled to certification as now provided by law: Provided, however, That teachers employed in such private, denominational or parochial schools when this act takes effect shall have until September first, nineteen hundred twenty-five, to obtain a legal certificate as herein provided.

"SEC. 4—In event of any violation of this act the superintendent of public instruction shall serve the person, persons, corporation, association or other agencies who operate, maintain and conduct a private, denominational or parochial school within the meaning of this act with a notice, time and place of hearing, such hearing to take place within fifteen days after the date of said notice and at a place located in or conveniently near the county where such violation took place, accompanied by a copy of the complaint stating the substance of said violation: Provided, That no person shall be called to attend any such hearing on any day observed by him as the Sabbath. If at such hearing the superintendent of public instruction shall find that the violation complained of has been established he shall then serve such person, persons, corporation, association or other agencies with an order to comply with the requirements of this act found to have been violated within a reasonable time not to exceed sixty days from the date of such order: Provided, That in the event that such order refers to sanitary conditions that the said person, persons, corporation, association or other agencies shall have six months in which to remedy the defect. If the order of the superintendent of public instruction as specified in said notice shall not have been obeyed within the time specified herein said superintendent of public instruction may close said school and prohibit said person, persons, corporation, association or other agencies operating

or maintaining such private, denominational or parochial school from maintaining said school or from exercising any of the functions hereunder until said order of the superintendent of public instruction has been complied with. The children attending a private, denominational or parochial school refusing to comply with the requirements hereof after proceedings herein set forth shall be compelled to attend the public schools or approved private, denominational or parochial school under the provisions of the compulsory education act, the same being act number two hundred of the public acts of nineteen hundred five, as amended. And it shall be the duty of the person or persons having charge of the enforcement of the said compulsory education act, upon notice from the superintendent of public instruction that said private, denominational or parochial school has not complied with the provisions hereof, to compel the attendance of the children of said school or schools at the public schools, or approved private, denominational or parochial school.

"SEC. 5—The superintendent of public instruction by himself, his assistants, or any duly authorized agent, shall have authority at any time to investigate and examine into the conditions of any school operating under this act as to the matters hereinbefore set forth and it shall be the duty of such school to admit such superintendent, his assistants or authorized agents and to submit for examination its sanitary condition, the records of enrollment of pupils, its courses of studies as set forth in section one of this act and the qualifications of its teachers. Any refusal to comply with provisions herein on the part of such school or teacher shall be considered sufficient cause to suspend the operation of said school after proceedings taken as stated in section four of this act.

"SEC. 6—Appropriation clause.

"SEC. 7—Nothing in this act contained shall be construed so as to permit any parochial, denominational, or private school to participate in the distribution of the primary school fund." (*General School Laws*, 1923. pp. 112–115.)

Requirements for Teachers' Certificates.

(*General School Laws*, 1923, pp. 115–22).

Only Citizens May be Granted Teachers' Certificates.

"No certificate qualifying a person to teach in the public schools of this state shall be granted to any person who is not a citizen of the United States or who has not declared his intention of becoming a citizen. Any certificate granted in contravention of the provisions of this act shall be void. Also it shall be unlawful for the board of control having in charge any State institution of learning to employ therein regularly as a teacher or in any other capacity any person who is not a citizen of the United States: Provided, however, That this requirement shall not apply to persons who are thus actively employed when this act takes effect; Provided further, That this requirement shall not be construed as prohibiting such boards of control from employing for limited periods instructors or lecturers who are citizens of foreign countries." (*Session Laws*, 1919, No. 220.)

Truancy.

(*General School Laws*, 1923, pp. 181–184.)

Child Labor.

(*General School Laws*, 1923, pp. 193–195.)

Use of English in Schools.

"All instruction from the first to the eighth grade inclusive in those subjects required for an eighth grade diploma, in all the schools of this state, public and private and parochial . . . shall be conducted in the English language; . . . . this provision shall not be construed as prohibiting religious instruction in private or parochial schools given in any language in addition to the regular course of study." (*General School Laws*, 1923, p. 11.)

Teaching the Constitution.

"In all public and private schools located within the State of Michigan, commencing with the school year 1921, there shall be given regular courses of instruction in the constitution of the United States and in the constitution of the State of Michigan.

"Such instruction in the constitution of the United States and the constitution of Michigan, shall begin not later than the opening of the eighth grade, and shall continue in the high school course to an extent to be determined by the superintendent of public instruction." (*General School Laws*, 1923, pp. 104–105.)

Continuation School.

"When a school district shall have established said (continuation) schools or courses it shall require the attendance thereat of every minor under eighteen years of age residing within the confines of said school district, who has ceased to attend all-day school and who has not completed a four-year high school course or its equivalent, provided that said minors may be excused from the provisions of this section, for the same reasons and under the same conditions as children under fifteen years of age may now be excused from the provisions of the compulsory education law: Provided further, that the provisions of this act shall not apply to employed minors who shall have reached the age of sixteen years prior to September one, nineteen hundred twenty. The required attendance provided for in this act shall be at the rate of not less than eight hours per week, and shall be between the hours of eight o'clock in the morning and five-thirty o'clock in the afternoon of any working day or days, except that it shall not be Saturday afternoon." (*School Laws of Michigan*, 1919, pp. 41–42.)

Education of Aliens and Illiterates.

"The superintendent of public instruction is hereby authorized, with the cooperation of the boards of education of the school districts of this state, to provide for the education of aliens and of native illiterates over the age of eighteen years residing in said districts, who are unable to read, write and speak the English language and who are unlearned in the principles of the government of this state and the United States. All instruction given under this act shall be in the English language and shall be conducted by persons whose general qualifications and training are approved by the superintendent of public instruction." (*Session Laws*, 1923, No. 124.)

Fire Drill.

"Teachers are required to have at least one fire drill each month and must keep all doors and exits unlocked during school hours." (*School Laws of Michigan*, 1919, p. 27.)

Use of Public Schoolhouse.

"The school board of any city, village, township or school district upon the written application of any responsible organization located in the district, or a group of at least seven citizens of the district must grant the use of all school grounds and school houses as community or recreation centers for the entertainment and education of the people, including the adults and children of school age, and for the discussion of all topics tending to the development of personal character and of civic welfare. Such use cannot seriously interfere with the original and necessary use of such property. The school board must make such rules and regulations as will give a fair, reasonable and impartial use of the property." (*School Laws of Michigan*, 1919, p. 17.)

MINNESOTA.

No Appropriation for Sectarian Purposes.

"But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught." (*Constitution*, Article VIII., Sec. 3.)

Exemption from Taxation.

"Taxes shall be uniform upon the same class of subjects, and shall be levied and collected for public purposes, but . . . . academies, colleges, universities, and all seminaries of learning, all churches, church property, and houses of worship, institutions of purely public charity . . . . shall be exempt from taxation." (*Constitution*, Art. IX, Sec. 1.)

Compulsory Attendance. Reports Required.

"Every child between eight and sixteen years of age shall attend a public school, or a private school, in each year during the entire time the public schools of the district in which the child resides are in session . . . . " (*School Code*, 1919, p. 72.)

"A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from text-books written in the English language and taught by teachers qualified to teach in the English language. A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day." (*School Code*, 1919, p. 72.)

"It shall be the duty of the principal teacher or other person in charge of any private school to make reports at such times and containing such information as is herein required, respecting public schools. Such

reports shall be made to the county superintendent of schools in whose county such private school is located, except where such private school is located in a city or in a district maintaining a high school, or a graded school, such reports shall be made to the city superintendent of schools or to the superintendent or principal of the high or grade school." (*School Code*, 1919, p. 73.)

Truancy.

(*School Code*, 1919, p. 74.)

Child Labor.

(*School Code*, 1919, pp. 75–78.)

Public School Children Excused from Class to Attend Religious Instruction.

A child may be excused from attendance at a public school if "it is the wish of such parent, guardian, or other person having control of any child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction, conducted and maintained by some church or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof, such school to be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, at public expense." (*Session Laws*, 1923, Chapter 78.)

Instructions in the Constitution.

"In the eighth grade and in the high school grades of all public schools, and in the corresponding grades in all other schools within the state of Minnesota, and in the educational departments of state and municipal institutions there shall be given regular courses of instruction in the Declaration of Independence and the Constitution of the United States, to an extent to be determined by the State Commissioner of Education." (*Session Laws*, 1923, Chapter 291.)

Physical Education in Teacher-Training Institutions.

"All colleges, schools and other educational institutions in this state giving teacher-training shall provide a course or courses in physical and health education, training and instruction and every pupil attending any such college, school or educational institution in preparation for teaching service shall take such course or courses.

"The Commissioner of Education shall supervise the administration of this act and shall prescribe the necessary course or courses in physical and health education, training and instruction, and make such rules and regulations, and prepare or cause to be prepared, published and distributed any such manual or manuals of instructions, or course or courses of study, or other matter as he may deem necessary or suitable to carry out the provisions thereof.

"The State Board of Education shall appoint at a salary of not to exceed $3,000.00 per annum a state director of physical and health education and training, competent and qualified to, and who shall under the

direction of the Commissioner of Education, administer, supervise and direct the program of physical and health education and training; provided for by this act." (*Session Laws*, 1923, Chapter 323.)

Use of Schoolhouse.

The school board may "authorize the use of any schoolhouse in the district for divine worship, Sunday schools, public meetings, elections and such other similar purposes as, in their judgment, will not interfere with its use for school purposes." (*School Code*, 1919, p. 29.)

MISSISSIPPI

No Appropriation for Sectarian Purposes.

"No religious or other sect, or sects, shall ever control any part of the school or other educational funds of this state; nor shall any funds be appropriated toward the support of any sectarian school; or to any school that at the time of receiving such appropriation is not conducted as a free school." (*Constitution*, Art. VIII, Sect. 208.)

Compulsory Attendance.

"On and after August 1, 1920, every parent, guardian or other person in the state of Mississippi having control or charge of any child or children between the ages of seven and fourteen years of age inclusive, shall be required to send such child or children to public day school or to a private, denominational or parochial day school taught by a competent instructor, and such child or children shall attend school for at least eighty (80) days during each and every scholastic year; provided that the period of compulsory attendance for each school shall commence at the beginning of the school, unless otherwise ordered by a board of trustees of a municipal separate school distirct for the schools of that district, or by the county school board for other schools in the county coming under the provisions of this act." (*School Code*, 1918–20, Part II, pp. 12–13.)

"All school officers including those in private, denominational or parochial schools in this state, offering instruction to pupils within the compulsory ages, are hereby required to make and furnish all reports that may be required by the state, and by the county superintendent of education, or by the trustees of any municipal separate school district, with reference to the working of this act." (*School Code*, 1918–20, Part II, pp. 14–15.)

MISSOURI

No Public Funds for Sectarian Purposes.

"Neither the General Assembly nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning, controlled by any religious creed, church,

or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever." (*Constitution*, Art. XI, Sec. 11.)

Exemption from Taxation.

"Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable . . . ." (*Constitution*, Art. X, Sec. 6.)

Compulsory Attendance.

"Every parent, guardian or other person in this state having charge, control or custody of a child between the ages of seven and fourteen years, shall cause such child to attend regularly some day school, public, private, parochial or parish, not less than the entire time the school which said child attends is in session, or shall provide such child at home with such regular daily instruction during the usual hours as shall, in the judgment of a court of competent jurisdiction be substantially equivalent at least to the instruction given the children of like age at said day school in the locality in which said child resides; and every parent or person in this state having charge, control or custody of a child between the ages of fourteen and sixteen years, who is not actually and regularly and lawfully engaged for at least six hours each day in some useful employment or service, shall cause said child to attend regularly some day school, as aforesaid." (*Revised School Laws*, 1923, p. 120.)

Part-Time School.

"Whenever the board of education or board of directors of any school district in this state shall have established part-time instruction in continuation schools for children under sixteen years of age, lawfully engaged in any regular employment, all such children shall be required to attend such school not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the evening during the school year of such part-time classes; *provided, further*, that whenever the part-time classes, herein provided for, shall have been established in any school district, that all children who are under eighteen years of age, who have not completed the elementary school course in the public schools of Missouri, or its equivalent, and who are not attending regularly any day school shall be required to attend regularly such part-time classes not less than four hours a week between the hours of eight o'clock in the morning and five o'clock in the afternoon during the school year of such part-time classes." (*Revised School Laws*, 1923, p. 124.)

Child Labor.

(*Revised School Laws*, 1923, pp. 158–161.)

MONTANA

No Public Funds for Sectarian Purposes.

"Neither the legislative assembly, nor any county, city, town, or school district, or other public corporation, shall ever make, directly or indirectly, any appropriation, or pay from any public fund or moneys whatever, or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever." (*Constitution*, Art. XI, Sec. 8.)

Exemption from Taxation.

". . . . and such other property as may be used exclusively for . . . . educational purposes, ... not used or held for private or corporate profit, ... may be exempt from taxation." (*Constitution*, Art. XII, Sec. 2.)

Compulsory Attendance.

"All parents, guardians, and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, language, English grammar, geography, history and civics, physiology and hygiene, and arithmetic. Every parent, guardian, or other person having charge of any child between the ages of eight and sixteen years, shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year." (*School Laws*, 1921–1922, p. 59.)

Truancy.

(*School Laws*, 1921–22, pp. 60–62.)

Normal Training in Accredited Schools.

"Any accredited high school in the state . . . . may establish normal training courses for rural school teachers, or junior college courses, or both." (*School Laws*, 1921–22, p. 99.)

Fire Drill.

"In all schools of the state, either public or private, in which thirty or more children are enrolled, it shall be the duty of the teacher or teachers therein employed to instruct the children under their immediate control and charge once each week during the school term in 'fire drill.'" (*School Laws*, 1921–22, p. 48.)

NEBRASKA

No Public Funds for Sectarian Purposes.

"No sectarian instruction shall be allowed in any school or institution supported in whole or in part by the public funds set apart for educational purposes, nor shall the state accept any grant, conveyance, or bequest of

money, lands or other property to be used for sectarian purposes. Neither the State Legislature nor any county, city or other public corporation, shall ever make any appropriation from any public fund, or grant any public land in aid of any sectarian or denominational school or college, or any educational institution which is not exclusively owned and controlled by the state or a governmental subdivision thereof. No religious test or qualification shall be required of teacher or student, for admission to or continuance in any public school or educational institutional institution supported in whole or in part by public taxation." (*Constitution*, Art. VII, Sec. 11.)

Exemption from Taxation.

". . . . and such other property as may be used exclusively . . . . for school, religious . . . . and charitable purposes, may be exempted from taxation." (*Constitution*, Art. IX, Sec. 2.)

Compulsory Attendance.

"In school districts other than city and metropolitan city school districts every person residing within the state of Nebraska who has legal or actual charge or control of any child not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational or parochial day schools for a period of not less than six months each year in which the public day schools of such school district are in session, unless such child has graduated from the high school maintained by the district in which he resides or from a high school of equal grade; or if no high school is maintained by the district in which it resides, has graduated from the school maintained in the district or from a school of equal grade. In city and metropolitan city school districts every person residing within the state of Nebraska who has legal or actual charge or control of any child not less than seven nor more than sixteen years of age, shall cause such child to attend regularly the public, private, denominational or parochial day schools for the entire time each year in which the public day schools of such school district are in session, unless such child has graduated from the high school maintained by the district in which he resides or from a high school of equal grade. Provided, that in any city school district the attendance of such child at any time during the calendar year for a period equaling the period of regular term of school in such district within the calendar year shall be accepted as compliance with this act." (*School Laws*, 1921, p. 62.)

Keeping of Records.

"It is hereby made the duty of each teacher in all of the public, private, denominational and parochial schools of this state to keep a record showing the name, age, and address including the number of the school district and the county of each child enrolled, the number of the school district in which said school is located, the number of days each pupil was present and the number of days absent, and the cause of absence. On the third day on which the public, private, denominational and parochial schools are in session at the beginning of each school year, it shall be the duty of each teacher to send to the county superintendent a list of the pupils enrolled in his or her school with the age, grade and address of each, except

that in metropolitan cities and cities of the first class such report shall be made to the superintendent of the city schools of such district." (*School Laws*, 1921, p. 64.)

General Rules Relative to Private Schools.

"All private, denominational and parochial schools in the state of Nebraska and all teachers employed or giving instruction therein shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualifications and certification of teachers and promotion of pupils. All private, denominational and parochial schools shall have adequate equipment and supplies and shall be graded the same and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational or parochial schools." (*School Laws*, 1921, p. 65.)

Certification of Teachers.

"No person shall after September 1, 1919, be employed to teach or teach in private, denominational or parochial school who has not obtained a teacher's certificate entitling such teacher to teach corresponding courses or classes in public schools where the children attending would attend in the absence of such private, denominational or parochial school." (*School Laws*, 1921, p. 65.)

Religious Instruction.

"Nothing in this act contained shall be so construed as to interfere with religious instruction in any private, denominational or parochial school." (*School Laws*, 1921, pp. 65–66.)

Management of Private Schools.

"For the purposes of this act the owner or governing board of any private, denominational or parochial school shall have authority to select and purchase text-books, equipment and supplies, to employ teachers and to have and exercise the general management of the school, subject to the provisions of this act." (*School Laws*, 1921, p. 66.)

Courses Required.

"All public, private, denominational and parochial schools shall give in the proper grades such courses in American History and in Civil Government, both state and national, as will give the pupils therein a thorough knowledge of the history of our country and its institutions and of our form of government, and shall conduct such patriotic exercises as may be prescribed from time to time by the state superintendent." (*School Laws*, 1921, p. 66.)

Inspection of Private Schools.

"The county superintendent of the county, or the city superintendent of the city, where any private, denominational or parochial school is located, shall inspect such schools and report to the proper officers any evidence of

the use of any text books or of any activites, instruction or propaganda therein subversive to American institutions and republican form of government or good citizenship or of failure to observe any of the provisions of this act and the State Superintendent of Public Instruction shall require the several county and city superintendents to make such inspections at least twice each year and the school officers of such schools and the teachers giving instruction therein are hereby required to permit such inspection and assist and cooperate in the making of the same." (*School Laws*, 1921, p. 66.)

Penalties.

"In case any private, denominational or parochial school after a final determination by the proper authorities under this act fails, refuses or neglects to conform to and comply therewith, no person shall be granted or allowed a certificate to teach therein and the pupils attending such school or schools shall be required to attend the public school of the proper district as provided by law in like manner as though there were no such private, denominational or parochial school. Full credit for certification under the law shall be given all teachers who have taught in private, denominational or parochial schools the same as though they had taught in public schools." (*School Laws*, 1921, pp. 66–67.)

"Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five ($5.00) dollars nor more than one hundred ($100.00) dollars or be imprisoned in the county jail not to exceed three (3) months." (*School Laws*, 1921, p. 67.)

Certification Regulations.

(*School Laws*, 1921, pp. 86–93, and *School Code*, 1919, pp. 70–78.)

All Teachers to Attend Institutes.

"The county superintendent may at his discretion revoke the certificate of or refuse to grant a certificate to any teacher who fails or refuses to attend the county or joint institute. Should graduates from the elementary course of the state normal refuse to attend such institute, it shall be the duty of the county superintendent to report said refusal to the principal of the normal school who shall revoke the certificate of said normal graduate; Provided, the county superintendent may excuse experienced teachers from such attendance when application is made before the opening of the institute and satisfactory reasons for absence are given in writing by such teachers." (*School Code*, 1919, p. 82.)

Only Citizens May Teach.

"That no person shall be qualified, licensed or permitted by the state or county superintendents of public instruction to teach in any public, private and parochial school in the state of Nebraska unless such person is a natural born or duly and fully naturalized citizen of the United States." (*School Code*, 1919, p. 83.)

Religious Garb Forbidden in Public Schools.

"Any teacher in any public school in this state who shall wear in said school or while engaged in the performance of his or her duty any dress, or garb, indicating the fact that such teacher is a member or an adherent of any religious order, sect or denomination, shall upon conviction thereof, be deemed guilty of a misdemeanor and fined in any sum not exceeding one hundred ($100) dollars and the costs of prosecution or shall be committed to the county jail for a period not exceeding thirty days or both." (*School Code*, 1919, pp. 39–40.)

Incorporated Colleges and Normal Schools May Grant Certificates. Conditions.

"*First*—Such institution shall be incorporated under the laws of the state of Nebraska.

"*Second*—The incorporation shall have at least fifty thousand dollars invested, or available for use in the school.

"*Third*—The incorporation shall employ not fewer than five teachers who shall put in full time in giving instruction in the branches of study required to be taught.

"*Fourth*—The state superintendent of public instruction shall satisfy himself by personal inspection or by the personal inspection of the state board of examiners for life certificates that any institution desiring recognition has fully complied with the requirements set forth.

"*Fifth*—The entrance requirements to the elementary and higher courses and the time required for the completion of said courses shall be the same as in the state normal schools. Each year the state superintendent of public instruction shall satisfy himself by personal inspection or by the personal inspection of the state board of examiners for life certificates that the requirements have been met before any certificate can be granted by such institution." (*School Code*, 1919, p. 81.)

Use of English in Schools. Other Languages Forbidden.*

"The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language, and the common school branches shall be taught in said language in public, private, denominational and parochial schools.

"No person, individually or as a teacher, shall, in any private, denominational, or parochial or public school, teach any subject to any person in any language other than the English language.

"Languages other than the English language may be taught as languages only, after a pupil shall have attained and successfully passed the eighth grade as evidenced by a certificate of graduation issued by the county superintendent of the county or the city superintendent of the city in which the child resides. Provided, that the provisions of this act shall not apply to schools held on Sunday or on some other day of the week which those having the care and custody of the pupils attending same conscientiously observe as the Sabbath, where the object and purpose of such schools is the giving of religious instruction, but shall apply to all

* See U. S. Supreme Court Decision on validity of this law, p. 159.

other schools and to schools held at all other times. Provided that nothing in this act shall prohibit any person from teaching his own children in his own home any foreign language.

"It shall be unlawful for any organization, whether social, religious or commercial, to prohibit, forbid or discriminate against the use of the English language in any meeting, school or proceeding, and for any officer, director, member or person in authority in any organization to pass, promulgate, connive at, publish, enforce or attempt to enforce any such prohibition or discrimination.

"Should the courts declare any portion of this act unconstitutional such decision shall affect only the portion so declared to be unconstitutional and shall not affect any other section or any other part of this act, and it is further provided that each part of this act so far as an inducement for the passage of this act is concerned is independent of every other part." (*School Laws*, 1921, pp. 97–98.)

Part-Time School.

"The board in control of the public school of any public school district in the state having at least fifteen children between the ages of fourteen and sixteen years who are regularly and legally employed shall establish a part-time school or class and shall require such children to attend said school or class regularly for not less than eight hours a week while so employed and until they reach the age of sixteen years: Provided that no person over sixteen years of age who is regularly and legally employed shall be barred from attendance upon said part-time schools or classes."

"Every person residing within the state of Nebraska who has legal or actual control of any minor or minors between the ages of fourteen and sixteen years who are regularly and legally employed shall cause such minor or minors to attend regularly upon such part-time school or class as shall be established in accordance with this act. It shall be unlawful for any regularly and legally employed minor between the ages of fourteen and eighteen years to fail or refuse to attend such part-time school or class." (*School Laws*, 1921, p. 54.)

Child Labor.

(*School Code*, 1919, pp. 152–158.)

Aid for Vocational Training.

"Whenever any school, department or class giving instruction in vocational subjects as provided for in this Act and the rules and regulations adopted by the State Board for Vocational Education shall have been approved by the State Board for Vocational Education it shall be entitled to share in the Federal and State funds available within the amount of the appropriation contained in the state budget for such vocational education, to the extent of not less than three-fourths of the salaries of teachers of such vocational subjects ; provided that if the amount of Federal and State funds shall not be sufficient to reimburse in full the amounts due the schools, the State Board for Vocational Education may prorate the sums available among the vocational schools, departments or classes entitled to reimbursement." (*School Laws*, 1921, pp. 105–106.)

Instruction in Fire Prevention.

"Every teacher or instructor in every public, private or parochial school shall devote not less than thirty minutes in each school month, to instruction of pupils in the subject of fire dangers, and in the methods of fire prevention." (*School Code*, 1919, p. 70.)

NEVADA

Exemption from Taxation.

"All real property and possessory rights to the same, as well as personal property in this state, belonging to corporations now existing or hereafter created, shall be subject to taxation the same as property of individuals; provided, that the property of corporations formed for municipal, charitable, religious, or educational purposes may be exempted by law." (*Constitution*, Art. VIII, Sec. 2.)

No Appropriation for Sectarian Purposes.

"No public funds of any kind or character whatever, state, county, or municipal, shall be used for sectarian purposes." (*Constitution*, Art. XI. Sec. 10.)

Compulsory Attendance.

"Each parent, guardian, or other person in the state of Nevada, having control or charge of any child between the ages of seven and eighteen years, shall be required to send such child to a public school during the time in which a public school shall be in session in the school district in which said child resides; but such attendance shall be excused, when satisfactory evidence is presented to the board of trustees of the school district in which such child resides: . . . .

"That the student has already completed the twelve grades of the grade and high school courses; but any student between the ages of fourteen and eighteen years who has completed the work of the first eight grades may be excused from full-time school attendance . . . .

"That the child is receiving under private or public tutelage, at home or in school, equivalent instruction fully approved by the school trustees as to kind and amount . . . ." (*School Laws*, 1921, pp. 71–72.)

Truancy.

(*School Laws*, 1921, pp. 72–74.)

Child Labor.

(*School Laws*, 1921, pp. 135–137.)

Use of English.

"It shall be unlawful for any board of school trustees, regents, or board of education or for any teacher or other person teaching in the public or private schools in the state of Nevada, to cause to be taught or to teach any subject or subjects, other than foreign languages, in the public or private schools in the state of Nevada, in any language except English." (*School Laws*, 1921, p. 151.)

NEW HAMPSHIRE

No Public Funds for Sectarian Purposes.

"No money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination." (*Constitution*, Part II, Sec. 82.)

Exemption from Taxation.

"The personal property of institutions devoted to educational purposes, charitable and religious societies . . . . incorporated within this state, and the real estate owned and occupied by them, their officers, or their students for the purposes for which they are incorporated . . . . shall be exempt from taxation, provided none of the income or profits of the business of such corporations or institutions is divided among the stockholders or members, or is used or appropriated for other than educational, charitable, or religious purposes, and provided further, that in each case such exemption is limited to $150,000. Towns are hereby authorized to increase such exemption to such an amount as they may vote, by the majority of those present at any regular town meeting, acting under an article duly incorporated in the warrant for said meeting; and cities are authorized to increase such exemptions to such an amount as the city government may vote and the mayor approve.

"Real estate, whether improved or unimproved, and whether owned by residents or others, is liable to be taxed, except houses of public worship, schoolhouses, seminaries of learning, etc." (*Public Acts of 1923*, ch. 70.)

Compulsory Attendance.

"Every child between eight and sixteen years of age shall attend the public school to which he is assigned or an approved private school during all the time the public schools are in session." (*Laws Relating to Public Schools*, 1923, p. 30.)

Child Labor.

(*Laws Relating to Public Schools*, 1923, pp. 34–43.)

Teaching the Constitution.

"In all public and private schools, located within the state of New Hampshire, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the Constitutions of the United States and of this state. Such instruction in the Constitutions of the United States and of this state shall begin not later than the opening of the eighth grade and shall continue in the high school course to an extent to be determined by the state board of education." (*Laws Relating to Public Schools*, 1923, p. 24.)

Use of English in Schools.

"In the instruction of children in all schools including private schools, in reading, writing, spelling, arithmetic, grammar, geography, physiology, history, civil government, music and drawing, the English language shall

be used exclusively, both for purposes of instruction therein and for purposes of general administration.

"The exclusive use of English for purposes of instruction and administration is not intended to prohibit the conduct of devotional exercises in private schools in a language other than English.

"A foreign language may be taught in elementary schools, provided the course of study (or its equivalent), outlined by the State Board of Education in the common English branches, that is, in reading, writing, spelling, arithmetic, grammar, geography, physiology, history, civil government, music and drawing, be not abridged but be taught in compliance with the law of the state." (*Laws Relating to Public Schools*, 1923, pp. 26-27.)

Medical Inspection.

"The school board of the city or town in which such school district is located, shall appoint one or more school physicians of not less than five years' experience, shall assign one to each public and each private school within such school district, and shall provide them with all proper facilities for the performance of their duties." (*Laws Relating to Public Schools*, 1923, p. 78.)

Schools to Report.

"All academies and private schools shall be furnished with copies of the school register, and shall make an annual statistical report to the state board of education." (*Laws Relating to Public Schools*, 1923, p. 51.)

Use of Public Schoolhouse.

"A school district or a school board thereof may grant the use of any schoolhouse in the district for a writing or singing school, and for religious and other meetings, whenever such use will not conflict with any regular school exercises." (*Laws Relating to Public Schools*, 1923, p. 72.)

Resolution of the State Board of Education Regarding the Approval of Private Schools.

"*Resolved*, That the approval of the board shall not be given to any private school which does not comply with the following requirements:

1. Provide instruction and other educational opportunities as nearly equal as may be reasonably possible to those given in the public schools in the same city or town.
2. Be maintained for 36 weeks in each year, at least five hours a day, and five days in the week, in a sanitary building.
3. Be equipped with reasonably suitable furniture, books, maps, and other necessary appliances.
4. Make the reports required of public schools of the same grade on forms provided by the Board.
5. Teach substantially the same subjects as those prescribed by the Board for the public schools of similar grade.
6. Use the English language as the basic language of instruction and administration as prescribed by law.
7. Be carried on in such manner as to effectively prepare the pupils for the exercise of the rights and the discharge of the duties of American

citizenship, and from the teaching of the prescribed studies produce educational results substantially equivalent to those produced by the teaching of the same studies in the public schools.

Resolved further, That it is the legal duty of the Board to revoke its approval of any private school if and whenever it fails to comply with the foregoing requirements." (*New School Law*, 1919, p. 37.)

NEW JERSEY

Public School Fund Not to be Diverted.

"The fund for the support of free schools . . . . shall . . . remain a perpetual fund; and the income thereof . . . . shall be annually appropriated to the support of public free schools, for the equal benefit of all the people of the state; and it shall not be competent for the legislature to borrow, appropriate or use the said fund, or any part thereof, for any other purpose, under any pretense whatever." (*Constitution*, Art. IV, Sec. VII, 6.)

Compulsory Attendance. Branches to be Taught. Use of English.

"Every parent, guardian, or other person having custody and control of a child between the ages of seven and sixteen years, shall cause such child regularly to attend a day school in which at least reading, writing, spelling, English grammar, arithmetic and geography are taught in the English language by a competent teacher, or to receive equivalent instruction elsewhere than at school, unless such child is above the age of fourteen years, has been granted an age and schooling certificate, and is regularly and lawfully employed in some useful occupation or service; and such regular attendance shall be during all the days and hours that the public schools are in session in said school district . . . ." (*School Laws*, 1921, pp. 111–112.)

Continuation School.

"On and after July first, one thousand nine hundred and twenty, every parent, guardian, or other person having custody and control of a child between the ages of fourteen and sixteen years, to whom an age and schooling certificate has been granted and who is regularly and lawfully employed, shall cause such child to attend a continuation school for a period of at least six hours during each week for at least 36 weeks in each year." (*School Laws*, 1921, p. 112.)

Truancy.

(*School Laws*, 1921, pp. 122–126.)

Child Labor.

(*School Laws*, 1921, pp. 299–301.)

Private Schools Must Report.

"The superintendent or manager of each educational institution receiving support or aid from the state, and the president, manager or

principal of each seminary, academy or private school shall report to the Commissioner of Education annually, on or before the first day of August, such statistics relating to such institution, seminary, academy or school as said Commissioner of Education may require, and in the manner and form prescribed by him; *provided*, that no report concerning the expenses or finances of such seminary, academy or private school shall be required; *and provided further*, that no report of any seminary, academy or private school shall be published or made public by the Commissioner of Education." (*School Laws*, 1921, p. 18.)

Teaching the Constitution.

"In all public and private schools located within the state of New Jersey, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the Constitution of the United States.

"Such instruction in the Constitution of the United States shall begin not later than the opening of the seventh grade, or in private schools a grade equivalent thereto, and shall continue in the high school course and in courses in state colleges, universities and the educational departments of state and municipal institutions, to an extent to be determined by the State Commissioner of Education.

"For the purposes of this act, a public school is hereby defined to be a school that derives its support, entirely or in part, from moneys raised by a general state, county or district tax; a private school is one, attendance at which is a sufficient compliance with the compulsory education requirements contained in the statutes of the state of New Jersey." (*Session Laws*, 1923, ch. 17.)

NEW MEXICO

Exemption from Taxation.

"All church property, all property used for educational or charitable purposes . . . . shall be exempt from taxation." (*Constitution*, Art. VIII, Sec. 3.)

No Appropriation for Sectarian Purposes.

"The schools, colleges, universities, and other educational institutions provided for by this constitution shall forever remain under the exclusive control of the state, and no part of the proceeds arising from the sale or disposal of any lands granted to the state by Congress, or any other funds appropriated, levied, or collected for educational purposes, shall be used for the support of any sectarian, denominational, or private school, college, or university." (*Constitution*, Art. XII, Sec. 3.)

School Attendance.

"Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law." (*Constitution*, Art. XII, Sec. 5.)

Compulsory Attendance.

"Children between the ages of six and sixteen years, both inclusive, shall attend public schools of the state for as many weeks as the public schools in the district in which such children reside shall be in session, except that children actually attending private or denominational schools maintaining courses of instruction approved by the State Board of Education shall be exempt from the provisions of this Act. The governing authorities of private and denominational schools shall monthly report to the governing authorities of the public schools wherein such private and denominational schools are situated, the children enrolled in such private and denominational schools who fail to attend the same." (*School Code*, 1923, pp. 27–28.)

Reports Required.

The State Board of Education shall have the power "to require reports at such times as it may deem necessary, on such forms as it may prescribe, from all state educational institutions, and from all schools coming within the provisions of this Act, including private and denominational schools, and from all officials thereof." (*School Code*, 1923, p. 3.)

The State Superintendent of Public Instruction shall have the power "to prepare and cause to be published and distributed bi-ennially a report of all elementary and high schools, academies, normal schools, colleges, and private and denominational schools in the state." (*School Code*, 1923, p. 4.)

NEW YORK

No Appropriation for Sectarian Purposes.

"Neither the state nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught." (*Constitution*, Art. IX, Sec. 4.)

Regents of the University of the State of New York.

REGENTS NOT TO INTERFERE WITH SEMINARIES.—"No enactment of the Regents shall modify in any degree the freedom of the governing body of any seminary for the training of priests or clergymen to determine and regulate the entire course of religious, doctrinal or theological instruction to be given in such institution." (*Education Law*, 1922, Sec. 46, pp. 9-10.)

ACADEMIC EXAMINATIONS.—"The Regents shall establish in the secondary institutions of the University, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the Regents on students who satisfactorily pass such examinations." (*Education Law*, 1922, Sec. 48, p. 10.)

INSTITUTIONS IN THE UNIVERSITY.—"The institutions of the University shall include all secondary and higher educational institutions which are now or may hereafter be incorporated in this state, and such other

schools as may be admitted to or incorporated by the University. The Regents may exclude from such membership any institution failing to comply with law or with any rule of the University." (*Education Law*, 1922, Sec. 57, p. 12.)

VISITATION AND REPORTS.—"The Regents, or the Commissioner of Education, or their representatives, may visit, examine into and inspect, any institution in the University . . . . and may require, as often as desired, duly verified reports therefrom . . . . . For refusal or continued neglect on the part of any institution in the University to make any report required, or for violation of any law or any rule of the University, the Regents may suspend the charter or any of the rights and privileges of such institution." (*Education Law*, 1922, Sec. 58, p. 12.)

CHARTERS.—"Under such name, with such number of trustees or other managers, and with such powers, privileges and duties, and subject to such limitations and restrictions in all respects as the Regents may prescribe in conformity to law, they may . . . . incorporate any university, college, academy, ... or other institution . . . . for the promotion . . . . of education in any way . . . . No institution or association which might be incorporated by the Regents under this chapter shall, without their consent, be incorporated under any other general law." (*Education Law*, 1922, Sec. 59, p. 12.)

PROVISIONAL CHARTERS.—"On evidence satisfactory to the Regents that the conditions for an absolute charter will be met within a prescribed time, they may grant a provisional charter. . . . ." (*Education Law*, 1922, Sec. 60, p. 13.)

CONDITIONS OF INCORPORATION.—"No institution shall be given power to confer degrees in this state unless it shall have resources of at least five hundred thousand dollars; and no institution for higher education shall be incorporated without suitable provision, approved by the Regents, for educational equipment and proper maintenance." (*Education Law*, 1922, Sec. 61, p. 13.)

CHANGE OF NAME OR CHARTER.—"The Regents may, at any time, for sufficient cause by an instrument under their seal and recorded in their office, change the name, or alter, suspend or revoke the charter or incorporation of any institution which they might incorporate under Section 59, if subject to their visitation or chartered or incorporated by the Regents or under a general law." (*Education Law*, 1922, Sec. 62, p. 13.)

SUSPENSION OF OPERATION.—"If any institution in the University shall discontinue its educational operations without cause satisfactory to the Regents, it shall surrender its charter to them, subject, however, to restoration whenever arrangements satisfactory to the Regents are made for resuming its work." (*Education Law*, 1922, Sec. 65, p. 17.)

PROHIBITION.—"No individual, association or corporation not holding university or college degree-conferring powers by special charter from the Legislature of this state or from the Regents, shall confer any degrees, or transact business under or in any way assume the name university or college, till written permission to use such name shall have been granted by the Regents under their seal." (*Education Law*, 1922, Sec. 66, p. 17.)

Scholarships.

(*Education Law*, 1922, Secs. 70–78, pp. 23–28.)

Compulsory Attendance.

"1. Every child within the compulsory school ages as herein prescribed, in proper physical and mental condition to attend school, who resides in a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, shall regularly attend upon instruction for the entire time during which the schools of such city or district are in session as follows:

"a. Each child between seven and fourteen years of age.

"b. Each child between fourteen and sixteen years of age not regularly and lawfully employed.

"2. Every such child, residing elsewhere than in a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session, as follows:

"a. Each child between eight and fourteen years of age.

"b. Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service.

"c. The period of which any such school shall be in session shall not be less than one hundred and eighty days of actual school." (*Education Law*, 1922, Sec. 621, p. 193.)

Instruction Required.

"The instruction required under this article shall be:

"1. At a public elementary school in which at least the nine common school branches of reading, spelling, writing, arithmetic, English language, geography, United States history, civics and hygiene are taught in English.

"2. At a public school of higher grade in which the English language and its use and civics are taught in English as part of a regular course of study or of specialized training; or,

"3. Elsewhere than a public school upon instruction in the same subjects taught in English, from texts written in English, by a competent teacher." (*Education Law*, 1922, Sec. 620, p. 193)

Instruction Elsewhere than at a Public School.

"If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays or vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

"If a child required to attend upon instruction as provided in this article does not attend at a public, private or parochial school maintained in the city or district in which the parent or guardian of said child resides, such parent or guardian shall upon request furnish satisfactory proof to

the local school authorities of said city or district that said child or ward is attending upon lawful instruction elsewhere." (*Education Law*, 1922, Sec. 623, p. 194.)

Patriotism.

"In order to promote a spirit of patriotic and civic service and obligation and to foster in the children of the state moral and intellectual qualities which are essential in preparing to meet the obligations of citizenship in peace or in war, the Regents of The University of the State of New York shall prescribe courses of instruction in patriotism and citizenship, to be maintained and followed in all the schools of the state. . . .

"Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools over eight years of age shall attend upon such courses. If such courses are not so established and maintained in a private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to pupils of like age in the public schools of the city or district in which such pupils reside.

"The Regents of the University of the State of New York shall determine the subjects to be included in such courses of instruction in patriotism and citizenship, and the period of instruction in each of the grades in such subjects. They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the objects and purposes of this article. The Commissioner of Education shall be responsible for the enforcement of this article and shall cause to be inspected and supervise the instruction to be given in such subjects . . . ." (*Education Law*, 1922, Secs. 705-706, pp. 225-226.)

Physical Training.

"All male and female pupils above the age of eight years in all elementary and secondary schools shall receive as part of the prescribed courses of instruction therein such physical training under the direction of the Commissioner of Education as the Regents may determine, during periods which shall average at least twenty minutes in each school day . . . .

". . . . Similar courses of instruction shall be prescribed and maintained in private schools in the state, and all pupils in such schools over eight years of age shall attend upon such courses; and if such courses are not so established and maintained in any private school, attendance upon instruction in such school shall not be deemed substantially equivalent to instruction given to children of like ages in the public school or schools of the city or district in which the child resides." (*Education Law*, 1922, Sec. 695, p. 223.)

Continuation School.

"The board of education of each city and of each such school district in which there are twenty or more minors above the age of fourteen years and below the age of eighteen years, who are not in regular attendance upon instruction, shall establish and maintain part-time or continuation schools or classes in which such minors shall receive instruction . . .

Courses of study in private or parochial part-time or continuation schools or classes which meet the requirements of the statutes and the regulations prescribed thereunder may be approved by the Commissioner of Education and, when thus approved, attendance thereon shall be accepted for that required under this article . . . ." (In the rest of the article regulations are stated in detail.) (*Education Law*, 1922, Sec. 601, pp. 180–183.)

Unlawful Employment of Children and Minors. Employment Certificates. Penalties.

(*Education Law*, 1922, Secs. 626–628, pp. 196–198.)

Attendance Record.

"An accurate record of the attendance of all children between seven and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such record shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors, or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor." (*Education Law*, 1922, Sec. 629, p. 198.)

Attendance Officers. Truants.

(*Education Law*, 1922, Secs. 631–634, pp. 200–205.)

Truant Schools.

"Such (school) authorities may order such a (truant) child to be confined and maintained during such period (not exceeding two years) in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon between such authorities and such private school, orphans' home or similar institution." (*Education Law*, 1922, Sec. 635, p. 206.)

Illiterate Minors to Attend Some School.

"Every minor, between sixteen and twenty-one years of age, who does not possess such ability to speak, read and write the English language, as is required, for the completion of the fifth grade of the public or private schools of the city or school district in which he resides, shall attend some day or evening school or some school maintained by an employer . . ." (*Education Law*, 1922, Sec. 637, p. 208.)

Fire Prevention.

"The Commissioner of Education is hereby directed to provide and prescribe a course of instruction in fire prevention relating to the protection

of life and property against loss or damage as a result of preventable fire, for use in the schools of the state, as prescribed by this article.

"The board of education, trustees, principal or other person in charge of every public, private and parochial school in the state shall arrange for giving such course of instruction in every school under its or his control or direction. Such instruction shall be given to all of the pupils in every such school for a period of not less than 15 minutes in each week during which such school is in session." (*Session Laws*, 1923, Chapter 397.)

Fire Drill.

"It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than one hundred pupils, or maintained in a building two or more stories high to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic." (*Session Laws*, 1923, Chapter 402.)

NORTH CAROLINA

Exemption from Taxation.

"The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes." (*Constitution*, Art. V, Sec. 5.)

School Attendance.

"The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means." (*Constitution*, Art. IX, Sec. 15.)

Compulsory Attendance.

"Every parent, guardian, or other person in the State having charge or control of a child between the ages of seven and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session." (*School Code Supplement*, 1920–21, p. 43.)

NORTH DAKOTA

Exemption from Taxation.

". . . . The legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, cemetery, charitable or other public purposes . . . ." (*Constitution*, Art. XI, Sec. 176.)

No Public Funds for Sectarian Purposes.

". . . . No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school." (*Constitution*, Art. VIII, Sec. 152.)

Compulsory Attendance.

"Every parent, guardian or other person who resides in any school district or city and who has control over any child of or between the ages of the seventh and fifteenth birthdays, shall send or take such child to a public school in each year during the entire time the public schools of such district or city are in session; . . . . provided, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

"1. That such child is taught for the same length of time in a parochial or a private school approved by the county superintendent of schools subject to appeal to the superintendent of public instruction; that no school shall be approved by the county superintendent of schools or superintendent of public instruction unless the branches usually taught in the public schools are taught in such schools." (*General School Laws*, 1919, p. 114.)

Child Labor.

(*Educational Laws*, 1921–1923, pp. 38–44.)

OHIO

No Public Funds for Sectarian Purposes.

"No religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state." (*Constitution*, Art. VI, Sec. 2.)

Exemption from Taxation.

". . . . public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes . . . . may, by general laws, be exempted from taxation." (*Constitution*, Art. XII, Sec. 2.)

Compulsory Attendance.

"Every parent, guardian or other person having charge of any child of compulsory school age who is not employed on an age and schooling certificate must send such child to a public, private or parochial school for the full time the school attended is in session, which shall in no case be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or within one week of the date at which the child begins to reside in the district or within one week after his withdrawal from employment." (*School Laws*, 1921, p. 61.)

"All parents, guardians or other persons who have the care of children who are of compulsory school age and who are not employed on age and schooling certificates shall instruct them, or cause them to be instructed, in reading, spelling, writing, the English language, English grammar and composition, geography, arithmetic, United States history, American government and citizenship, and hygiene, or in such of those branches or in such other branches as are suited to the age, employment and advancement of the particular children and are included in the subjects taught in the schools of the state.

"Compulsory school age shall mean six to eighteen years of age, except that the board of education of any city, village or rural school district may at its discretion provide that in the given school district compulsory school age shall mean seven to eighteen years of age, such action being subject to modification to the standard of six to eighteen years of age by subsequent action of the board, and except that the attendance of a child who becomes six or seven years of age, as the case may be according to the standard of compulsory school age in effect in the given district, during a given semester shall not be required until the beginning of the following semester." (*School Laws*, 1921, p. 62.)

"If any child shall so attend upon instruction elsewhere than in a public school such instruction shall be equivalent to the instruction given children of like age and advancement in the public schools of the district in which such child resides; and the hours and term of attendance exacted shall be equivalent to the hours and term of attendance required of children in the public schools of the district. But nothing in this section shall be construed to require a child to attend a high school instead of a vocational commercial or other special type of school, provided the instruction therein is for a term and for hours equivalent to those of the high school, and provided his attendance at such school will not interfere with a continuous program of education for the child to the age of sixteen." (*School Laws*, 1921, p. 62.)

Part-Time School.

"All parents, guardians and other persons who have the care of children who are employed on age and schooling certificates shall cause them to attend a part-time day school or class for the full time that the school or class is in session whenever such part-time school or class shall have been established and is accessible to the child in the district where the child resides or is employed, unless the superintendent of schools determines that a given child has already completed the same work as or work equivalent to that taken up in such part-time schools or classes as may be available for the child to attend." (*School Laws*, 1921, pp. 60–61.)

"Attendance at a part-time school or class provided by an employer, or by a partnership, corporation or individual, or by a private or parochial school, or by a college, or by a philanthropic or similar agency shall serve in lieu of attendance at a part-time school or class provided by a board of education in case the given school or class is conducted for substantially a term and hours equivalent to those of the part-time schools or classes provided by the local board of education, and in case, further, the school or class is approved by the superintendent of public instruction." (*School Laws*, 1921, p. 71.)

Use of English.*

"All private and parochial schools, which instruct pupils who have not completed a course of study equivalent to that prescribed for the first seven grades of the elementary schools of this state, shall be taught in the English language only. German shall not be taught below the 8th grade." (*School Laws*, 1919, pp. 31–32.)

Physical Education in Teacher-Training Institutions.

"All institutions for the training of teachers in the state of Ohio shall include courses of study designed to prepare teachers to give instruction in physical education. No state-wide certificate shall be granted after June 1, 1924, to persons who have not had such work in physical education, in college or normal school as may be required by the Director of Education." (*Session Laws*, 1923, p. 19.)

Private Schools to Report.

"The principal or teacher in charge of any school public, private or parochial, shall report to the clerk of the board of education of the city, exempted village, village or rural school district in which the school is situated the names, ages and places of residence of all pupils below eighteen years of age in attendance at their schools together with such other facts as said clerk may require to facilitate the carrying out of the provisions of the laws relating to compulsory education and the employment of minors. Such report shall be made within the first two weeks of the beginning of school in each school year, and shall be corrected with the entry of such items as may be prescribed by the superintendent of public instruction within the first week of each subsequent school month of the year." (*School Laws*, 1921, p. 74.)

Employment of Children. Truancy.

(*School Laws*, 1921, pp. 64–77.)

Oath of Allegiance.

All teachers in public and private schools must take an oath of allegiance. (*School Laws*, 1919, p. 36.)

Display of Flag.

The flag must be displayed on or near each public and private school building. (*School Laws*, 1919, p. 29.)

OKLAHOMA

Exemption from Taxation.

". . . . property used exclusively for schools, colleges, and all property used exclusively for religious and charitable purposes, ... shall be exempt from taxation." (*Constitution*, Art. X, Sec. 6.)

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* See U. S. Supreme Court decision on validity of this law, p. 159.

No Appropriation for Sectarian Purposes.

"No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such." (*Constitution*, Art. II, Sec. 5.)

Compulsory Attendance.

"It shall be unlawful for any parent, guardian or custodian, living in the state of Oklahoma, to neglect or refuse to cause or compel any person or persons who are or may be under his control as children or wards to attend and comply with the rules of some public, private, or other schools unless other means of education are provided, for sixty-six and two-thirds per cent of the term the schools of the district are in session, which shall apply to all children of the district over the age of eight or under the age of eighteen." (*School Code*, 1921, p. 52.)

Truancy.

(*School Code*, 1921, pp. 52–53.)

Child Labor.

(*School Code*, 1921, pp. 100–104.)

Part-Time School.

"The parent, guardian or other person responsible for the custody of any minor or minors over sixteen years of age and under eighteen years of age shall be responsible for the attendance of such minor or minors upon part-time schools or classes whenever such part-time schools or classes have been established in the school district in which such minors are employed and the failure to compel such attendance shall be subject to the same penalties as are imposed for failure to compel attendance, of children over eight and under sixteen years of age upon public, private or other school." (*School Code*, 1921, p. 73.)

Use of English in Schools.

"That the English language is hereby declared to be the language of the people of the state of Oklahoma. And it shall be unlawful to teach or instruct in any other language in any Public, Parochial, Denominational or Private school or other institution of learning within the state of Oklahoma except pupils receiving such instructions shall have completed the eighth grades of common school curriculum as designated by the State Board of Education." (*School Code*, 1921, p. 12.)

Textbooks Must be in English.

"All text-books used in the first eight grades of all said schools shall be printed in the English language." (*School Code*, 1921, p. 12.)

Teaching of American History.

"That from and after taking effect of this Act the teaching of American history in the primary grades of all the schools, both public and private,

of this state shall be compulsory. Such teaching shall commence in the lowest primary grade of each of said schools and shall be continued through all the primary grades; provided that the teaching of Oklahoma history, as now provided by law, may be substituted for American history, in one of the said grades. At least one hour in every scholastic week shall be devoted to such instruction. The instilling into the hearts of the various pupils of an understanding of the United States and of a love of country and devotion to the principles of American government shall be the primary object of such instruction, which shall avoid, as far as possible, being a mere recital of dates and events." (*School Code*, 1921, p. 12.)

Teaching of American History and Civics in High School.

"No person shall be graduated from any high school, public or private, in this state, until he or she shall have satisfactorily completed at least one full year's work in American history and civics." (*School Code*, 1921, p. 12.)

Teaching of American History and Civics in Colleges, Normal Schools, etc.

"No college or university, normal school or chartered institution of learning, shall, under the authority of the state of Oklahoma, grant to any student any degree unless he shall have passed a course in American history and civil government." (*School Code*, 1921, p. 79.)

Reverence for the Flag to be Taught.

"The pupils of every public, private, parochial and denominational school in the state of Oklahoma shall by appropriate ceremonial, to be formulated by the State Superintendent of Public Instruction, be taught the proper reverence and respect for the American Flag." (*School Code*, 1921, p. 69.)

Visiting and Accrediting of High Schools.

"It shall be the duty of the High School Inspector to visit all schools in the state of Oklahoma doing high school work, consult with high school superintendents, principals and boards of education, assist them in standardizing their schools and affiliating them with the State University, the A. & M. College, the Oklahoma College for Women, the six State Normal Schools and all other colleges in the state of Oklahoma doing school work of college rank. When any high school has been visited and accredited, it shall be the duty of said inspector to notify in writing, the high school visited, together with all institutions in the state of college rank of the standard of said high school and the number of high school units for which it is approved." (*School Code*, 1921, p. 6.)

Inspectors to Visit Colleges.

"It shall be the further duty of the High School Inspectors to visit all schools of college rank and to familiarize themselves with the character of work being done in said institutions." (*School Code*, 1921, p. 6.)

Teachers Must Take Oath of Allegiance.

"It shall be unlawful for any person to teach in any of the public, private, parochial or denominational schools of this state until he or she shall have subscribed to the following oath or affirmation:

"I,....., do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of the state of Oklahoma." (*Session Laws*, 1923, Chapter 150.

Disloyalty.

"No person shall be eligible to teach in any public, private, parochial or denominational school of this state who shall be guilty of teaching or inculcating disloyalty to the United States or of publicly reviling the flag, or the system of government of the United States." (*School Code*, 1921, p. 19.)

Use of Public Schoolhouse.

"The district board shall have the care and keeping of the school house and other property belonging to the district. They are hereby authorized to open the school house for the use of religious, political, literary, scientific, mechanical or agricultural societies belonging to their districts for holding public meetings of such societies under such regulations as the board may adopt." (*School Code*, 1921, p. 20.)

OREGON

No Appropriations for Religious Institutions.

"No money shall be drawn from the treasury for the benefit of any religious or theological institution." (*Constitution*, Art. I, Sec. 5.)

Exemption from Taxation.

"The Legislative Assembly . . . . shall prescribe such regulations as shall secure a just valuation for taxation of all property . . . . , excepting such only for . . . . educational, literary, scientific, religious, or charitable purposes as may be specially exempted by law." (*Constitution*, Art. IX, Sec.1.)

Compulsory Attendance.

"Children between ages of nine and fifteen.

"Every parent, guardian, or other person in the state of Oregon having control or charge of any child, or children, between and including the ages of nine and fifteen years of age, shall be required to send such child, or children to the public schools for a term or period of not less or more than the number of months of public school held annually in the district in which such parent, guardian or other person in parental relation may reside; provided, that in the following cases children shall not be required to attend public schools:

"1. Any child, or children, who is, or are, being taught for a like period of time in a private or parochial school such branches as are usually taught in the first eight years in the public schools, or has, or have already acquired the ordinary branches of learning taught in such schools, the fact of which acquisition of such ordinary branches of learning by such child, or chilhren, shall be determined by the school board in charge of the public school in such district;

. . . .

"4. Any child, or children, who is, or are, being taught for a like period of time by the parent, or private teacher, such subjects as are usually taught in the first eight years in the public school, but before such child, or children, can be taught by a parent or private teacher, such parent or private teacher must receive written permission from the county superintendent, who is hereby authorized to grant such permission only in case of necessity and such permission shall not extend longer than the end of the current school year. Such child, or children, must report to the county school superintendent or some person designated by him at least once every three months and take an examination in the work covered. If after such examination the county superintendent shall determine that such child, or children, is or are not being properly taught then the county superintendent shall order the parent, guardian or other person in parental relation to send such child, or children, to school the remainder of the school year. Failure on the part of the parent, guardian or other person in parental relation to comply with the order of the county superintendent shall render such person liable to the penalty provided for in this act." (*School Laws*, 1921, p. 132.)

New Compulsory Education Law, Enacted by the People of the State of Oregon, Nov., 1922.*

"SEC. 1.—That Section 5259 Oregon laws be and the same is hereby amended so as to read as follows:

"SEC. 5259: CHILDREN BETWEEN THE AGES OF EIGHT AND SIXTEEN YEARS.—Any parent, guardian, or other person in the state of Oregon, having control or charge or custody of a child under the age of sixteen years and of the age of eight years or over at the commencement of a term of public school of the district in which said child resides, who shall fail or neglect or refuse to send such child to a public school for the period of time a public school shall be held during the current year in said district, shall be guilty of a misdemeanor and each day's failure to send such child to a public school shall constitute a separate offense. Provided, that in the following cases, children shall not be required to attend public schools:

(a) CHILDREN PHYSICALLY UNABLE.—Any child who is abnormal, subnormal or physically unable to attend school.

(b) CHILDREN WHO HAVE COMPLETED THE EIGHTH GRADE.—Any child who has completed the Eighth grade, in accordance with the provisions of the state course of study.

(c) DISTANCE FROM SCHOOL.—Children between the ages of eight and ten years inclusive, whose place of residence is more than one and one-half mile, and children over ten years of age whose place of residence is more than three miles, by the nearest traveled road, from a public school; Provided, however, that if transportation to and from school is furnished by the school district, this exemption shall not apply.

(d) PRIVATE INSTRUCTION.—Any child who is being taught for a like period of time by the parent or private teacher such subjects as are usually taught in the first eight years in the public school, but before such child can be taught by a parent or a private teacher, such parent or private teacher must receive written permission from the county superintendent,

* Law declared invalid by Federal District Court, see p. 179.

and such permission shall not extend longer than the end of the current school year. Such child must report to the county school superintendent or some person designated by him at least once every three months and take an examination in the work covered. If, after such examination the county superintendent shall determine that such child is not being properly taught, then the county superintendent shall order the parent, guardian, or other person, to send such child to the public school the remainder of the school year.

If any parent, guardian or other person having control or charge or custody of any child between the age of eight and sixteen years, shall fail to comply with any provision of this section, he shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to a fine of not less than $5.00, or more than $100.00, or to imprisonment in the county jail not less than two nor more than thirty days, or by both such fine and imprisonment in the discretion of the Court.

This Act shall take effect and be and remain in force from and after the first day of September, 1926."

Teaching the Constitution.

"The teaching of the Constitution of the United States is required in the public and private schools." (*Senate Calendar*, 1923, p. 9.)

Use of English.

"It shall be unlawful for any board of school directors, regents or trustees, or for any teacher or other person teaching in the public or private schools in the state of Oregon, to cause to be taught or to teach any subject or subjects, other than foreign languages, in the public or private schools in the state of Oregon in any language except English." (*School Laws*, 1921, p. 55.)

Truancy.

(*School Laws*, 1921, pp. 120–121 and pp. 133–134.)

Child Labor.

(*Oregon Laws*, Chapter II, Sec. 6668.)

Part-Time Schools.

"All children between the ages of sixteen and eighteen years must be in school or legally employed. If employed, they must attend the part-time schools herein provided, not less than five hours per week or 180 hours per year, unless they have already acquired the ordinary branches of learning taught in the first eight years of the public schools or are attending an evening school for an equivalent time." (*School Laws*, 1921, p. 163.)

Religious Instruction in Parental Schools.

"No religious instruction shall be given in such (parental) schools; but the school board shall make suitable regulation so that the inmates may receive religious training in accordance with the belief of the parents of such children by allowing attendance at public service elsewhere." (*School Laws*, 1921, p. 119.)

Standard Colleges and Normal Schools.

(*School Laws*, 1921, pp. 13–16.)

Superintendent of Public Instruction to Visit Chartered Institutions.

The Superintendent of Public Instruction "shall visit in person, when practicable, all the chartered educational institutions of the state, and shall secure such statistical information relative to number of students, teachers, value of property, libraries, salaries, and courses of study, as he may deem advisable for the advancement of education and for the information of the legislature." (*School Laws*, 1921, p. 5.)

Oath of Allegiance.

"1. Any person entering into a contract to teach in the public schools of the state shall, as a part of the contract, subscribe to the following oath or affirmation:

" 'I solemnly swear, or affirm, that I will support the constitution of the state of Oregon . . . . and the laws enacted thereunder, and that I will teach, by precept and example, respect for the flags of the United States and of the state of Oregon; . . . reverence for law and order and undivided allegiance to the government of our country, the United States of America.'

"The said oath or affirmation, duly signed, shall be filed in the office of the examiner issuing the certificate and a copy shall be given to the applicant making the oath and affirmation.

"2. Every teacher now or hereafter employed in a private or parochial school or in any academy, college, university or other institution or (of) learning in this state shall, before entering upon the discharge of his or her duties, take the same oath or affirmation of allegiance as that prescribed for public school teachers in paragraph 1. Such oath or affirmation shall be taken and subscribed to before some officer authorized by the state to administer oaths, and a copy of the oath or affirmation shall be filed with the officer or board in charge of such private or parochial school or other institution of learning.

"The above requirements shall not apply to exchange professors or teachers whose term of service is temporary, and who do not become permanent residents of the United States.

"3. Whoever being in charge of any public, private or parochial school, or any academy, college, university or other institution of learning shall allow or permit any teacher to enter upon the discharge of his duties, or to give instruction therein unless such teacher shall have taken and subscribed to the oath or affirmation of allegiance provided for in paragraphs 1 and 2, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $100. (*School Laws*, 1921, pp. 45–46.)

Wearing of Religious Garb.

The wearing of sectarian garb by teachers in the public schools is prohibited. (*Senate Calendar*, 1923, p. 63.)*

* See Indiana, p. 31; "State Supreme Court decisions on the Wearing of Religious Garb in Public School," p. 203; "Nuns as Public School Teachers," p. 207.

Use of Public Schoolhouse.

"A district school board may at its discretion permit a schoolhouse, when not occupied for school purposes, to be used under careful restrictions for any proper purpose, giving equal rights and privileges to all religious denominations." (*School Laws*, 1921, p. 57.)

Fire Drill.

"It shall be the duty of the state fire marshal, his deputies, and assistants to require teachers of public and private schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours." (*School Laws*, 1921, p. 45.)

PENNSYLVANIA

No Appropriations for Institutions Not State Controlled.

"No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth." (*Constitution*, Art. III, Sec. 17)

Exemption from Taxation.

". . . the General Assembly may, by general laws, exempt from taxation . . . actual places of religious worship, . . . and institutions of purely public charity." (*Constitution*, Art. IX, Sec. 1.)

Teaching the Constitution.

"In all public and private schools located within the Commonwealth, commencing with the school year next ensuing after the passage of this act, there shall be given reguar courses of instruction in the Constitution of the United States.

"Such instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course, and in the courses in state colleges and state universities, and the educational departments of state and municipal institutions, to an extent to be determined by the Superintendent of Public Instruction." (*Session Laws*, 1923, No. 223.)

Department of Welfare.

"The Department of Welfare shall have supervision over: . . . . . All children's institutions within this Commonwealth."

" 'Children's Institutions' shall mean any incorporated or unincorporated organization, society, corporation, or agency, public or private, which may receive or care for children.

"The Department of Welfare shall have the power: To visit and inspect, at least once in each year, all state, semi-state, and supervised institutions, to inquire and examine into their methods of instruction, discipline, detention, imprisonment, care or treatment, the care, treatment, government or management of their inmates or those committed thereto or being imprisoned, detained, treated, or residing therein, the official

conduct of their inspectors, trustees, managers, directors, or other officer or officers charged with their management by law or otherwise or having the management, care, custody, or control thereof, the buildings, grounds, premises, and equipment thereof or connected therewith, and all and every matter and thing relating to their usefulness, administration, and management, and to the welfare of the inmates thereof or those committed thereto or being imprisoned, detained, treated, or residing therein.

"For these purposes the Secretary of Welfare, or other officer, inspector, or agent of the department, shall have free and full access to the grounds, premises, and buildings thereof, and to all the records, books, or papers of or relating to, any such state, semi-state, or supervised institution, and full opportunity to interrogate or interview any inmate thereof, or any person or persons committed to or being imprisoned, detained, treated, or residing therein, and all persons connected with any such state, semi-state, or supervised institution as officers or charged with the management thereof by law or otherwise, or in way having the care, custody, control, or management thereof, or connected therewith as employees, are hereby directed and required to give to the Secretary of Welfare, or to such officer, inspector, or agent of the department, such means, facilities, and opportunity for such visitation, examination, inquiry, and interrogation as is hereby provided and required, or as the department by its duly ordained rules or regulations, may require." (*Session Laws*, 1923, pp. 599–601.)

Displaying the Flag.

"All boards of education, all proprietors or principals of private schools, and all authorities in control of parochial schools or other educational institutions, shall display the United States national flag, not less than three feet in length, within all school buildings under their control during each day such schools are in session." (*School Laws*, 1921, p. 60.)

Compulsory Attendance.

"Every child having a legal residence in this Commonwealth, as herein provided, between the ages of eight and sixteen years, is required to attend a day school in which the common English branches provided for in this act are taught *in the English language;* and every parent, guardian, or other person, in this Commonwealth, having control or charge of any child or children, between the ages of eight and sixteen years, is required to send such child or children to a day school in which the Common English branches are taught *in the English language;* and such child or children shall attend such school continuously through the entire term, during which the public elementary schools in their respective districts shall be in session: Provided, That the certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the common English branches are taught *in the English language*, setting forth that the work of the said school is in compliance with the provision of this act, shall be sufficient and satisfactory evidence thereof. Regular daily instruction in the English language, for the time herein required, by a properly qualified private tutor, shall be considered as complying with the provisions of this section, if such instruction is satisfactory to the proper county or district superintendent of schools." (*School Laws*, 1921, p. 103.)

Record of Enrollment.

"Every principal or teacher in every other than a public school, and in every institution for children, and every private teacher in every school district in this Commonwealth, shall, immediately after their admission to such school or institution, or at the beginning of such private teaching, furnish to the district superintendents, supervising principals, or secretaries of the boards of school directors of the districts wherein the parents or guardians of such children reside, lists of the names and residences of all children between eight and sixteen years of age enrolled in such school or institution, or taught by such private teacher; and shall further report at once to such district superintendent, supervising principal, or secretary of the board of school directors, the name and date of withdrawal of any such pupil withdrawing from any such school or institution, or from such private instruction, if such withdrawal occurs during the period of compulsory attendance in said district. And every principal or teacher in a school other than a public school, and every private teacher, shall also report at once to the superintendent, supervising principal, or secretary of the board of school directors of the district, any such child who has been absent three days, or their equivalent, during the term of compulsory attendance, without lawful excuse." (*School Laws*, 1921, pp. 104–105.)

Truancy.

(*School Law*, 1921, pp. 109–111, 184–188.)

Course of Study.

"In every elementary public *and private school*, established and maintained in this Commonwealth, the following *subjects* shall be taught, in the English language *and from English texts*. *English*, including spelling, reading, and writing, arithmetic, geography, *the* history of the United States and of Pennsylvania, *civics*, *including* loyalty to the State and National Government, *training in safety first*, *methods* and *the* humane treatment of birds and animals, *health*, *including* physical training and physiology, *music*, *art*." (*School Law*, 1921, p. 116.)

Private School Pupils May Attend Certain Public Schools.

The board of school directors may establish the following schools and departments: "High schools, manual training schools, vocational schools, domestic science schools, agricultural schools, evening schools, kindergartens, libraries, museums, reading-rooms, gymnasiums, playgrounds, schools for blind, deaf, and mentally deficient, truant schools, parental schools, schools for adults.

"Public lectures—together with such other schools or educational departments as they, in their wisdom, may see proper to establish:

"Provided, That no pupil shall be refused admission to the courses in these additional schools or departments by reason of the fact that his elementary or academic education is being or has been received in a school other than a public school." (*School Law*, 1921, pp. 33–34.)

Child Labor.

(*School Law*, 1921, pp. 189–197.)

Wearing of Religious Garb in Public Schools Forbidden.

"That no teacher in any public school of this Commonwealth shall wear in said school or whilst engaged in the performance of his or her duty as such teachers, any dress, mark, emblem or insignia indicating the fact that such teacher is a member or adherent of any religious order, sect or denomination." (*School Law*, 1921, p. 211.) *

RHODE ISLAND

Exemption from Taxation.

"The following property shall be exempt from taxation: . . . . buildings for religious worship and the land upon which they stand and immediately surrounding the same, to an extent not exceeding one acre, so far as said buildings and land are occupied and used exclusively for religious or educational purposes; the buildings and personal estate owned by any corporation used for a school, academy or seminary of learning, and of any incorporated public charitable institution, and the land upon which said buildings stand and immediately surrounding the same to an extent not exceeding one acre, so far as the same is used exclusively for educational purposes, but no property or estate whatever shall hereafter be exempt from taxation in any case where any part of the income or profits thereof or of the business carried on thereon is divided among its owners or stockholders." (*General Laws*, 1923, Chapter 58, Sec. 2.)

Compulsory Education.

"Every child who has completed seven years of life and has not completed sixteen years of life, unless he has completed in the public schools the elementary studies taught in the first eight years of school attendance, exclusive of kindergarten instruction, provided for in the course of study adopted by the school committee of the city or town wherein such child resides, or unless he shall have completed fourteen years of life and shall be lawfully employed at labor or at service or engaged in business shall regularly attend some public day school during all the days and hours that the public schools are in session in the city or town wherein he resides; and every person having under his control a child as above described in this section shall cause such child to attend school as required by the above stated provisions of this section, and for every neglect of such duty the person having control of such child shall be fined not exceeding twenty dollars: Provided, that if the person so charged shall prove or shall present a certificate made by or under the direction of the school committee of the city or town wherein he resides, setting forth that the child has already completed the elementary studies above mentioned; or that the child has attended for the required period of time a private day school, or received private instruction approved by the state board of education . . . . then such attendance shall not be obligatory nor shall such penalty be incurred." (*General Laws*, 1923, Chapter 76 Sec. 1.)

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*See Indiana, p. 31; "State Supreme Court Decision on the Wearing of Religious Garb in Public Schools," p. 203; "Nuns as Public School Teachers," p. 207.

Private Schools. Reports Required. Conditions of Approval.

"All private schools or institutions of learning in this state shall be registered at the office of the state board of education, said registry showing location, name, officers or persons in charge, grade of instruction, and common language used in teaching. They shall also make a report annually in the month of July to the state board of education, showing the number of different pupils enrolled, the average attendance, the number of teachers employed and such other facts of age, attendance and instruction as said board may require. The state board of education shall approve a private school only when it appears that the period of attendance of the pupils in such schools is substantially equal to that required by law in public schools, that the instruction in such school in all studies, except foreign languages and any studies not taught in the public schools, is in the English language, that such instruction is thorough and efficient, that reports are made as required by law, and that registers are kept and returns to the superintendent of schools and truant officer in relation to attendance of pupils are made the same as by public schools." (*General Laws*, 1923, Chapter 65, Sec. 15.)

Keeping of Register.

"Every teacher in any public or private school shall keep a register of the names of all the scholars attending said school, their sex, age, names of parents or guardians, the time when each scholar enters and leaves the school, the daily attendance, together with the days of the month on which the school is visited by any officer connected with public schools, and shall prepare any report required by the school committee or commissioner of education." (*General Laws*, 1923, Chapter 71, Sec. 6.)

Teaching the Constitution.

"The principles of popular and representative government as enunciated in the constitution of Rhode Island and the constitution of the United States shall be taught in all the public schools of this state. In every class of the seventh or eight year in elementary schools instruction shall be given in the history and government of Rhode Island, and in every high school thorough instruction shall be given in the constitution and government of Rhode Island and in the constitution and government of the United States. No private school or private instruction shall be approved for the purposes of section fifteen of chapter sixty-five of the general laws unless the course of study therein shall make provision for instruction substantially equivalent to that required by this chapter for public schools." (*General Laws*, 1923, Chapter 70. Sec. 30.)

Physical Training.

"All children above the age of eight years, attending public schools or such other schools as are managed and controlled by the state shall receive therein instruction and practice in physical training under such regulations as the state board of education may prescribe or approve during periods which shall average at least twenty minutes in each school day. No private school or private instruction shall be approved by any school

committee for the purposes of chapter seventy-six of the general laws as substantially equivalent to that required by law of a child attending a public school in the same city and town unless instruction and practice in physical training similar to that required in public schools shall be given." (*General Laws*, 1923, Chapter 78, Sec. 6.)

Drills.

"It shall be the duty of the principal or other person in charge of every public school or private school or educational institution within the state, having more than twenty-five pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once each month." (*General Laws*, 1923, Chapter 71, Sec. 9.)

Medical Inspection.

"The school committee of any town or city may employ one or more school physicians, each of whom shall at least once each year make examination of the pupils, teachers and janitors of the schools, public and private, assigned to his care and of the buildings and surroundings thereof, and shall make report of such examination to the superintendent of schools in said town or city for such action as may be necessary." (*General Laws*, 1923, Chapter 78, Sec. 1.)

Continuation Schools.

"Every person who has completed sixteen years of life and who has not completed twenty-one years of life, and who cannot speak, read and write the English language in accord with standards approved by the state board of education, and who resides in a town in which the school committee has established a day continuation school for the teaching of the English language, or an evening school, shall attend either the day continuation school or the evening school at least two hundred hours between the first day of September and the first day of June in every year until he shall have acquired reasonable facility in speaking, reading and writing the English language in accord with standards approved by the state board of education. For the purpose of this chapter day continuation or evening schools may be established in shops or factories: Provided, that such schools are under control and supervision of the school committee. Attendance in private schools or private instruction in the English language may be accepted as compliance with this chapter in lieu of attendance on public instruction only if the private instruction is approved by the school committee as substantially equivalent in content, method and the hoursof instruction to the instruction offered in public schools. Persons instructed in private schools or receiving private instruction in accordance with the provisions of this section shall be deemed as having acquired reasonable facility in speaking, reading and writing the English language as provided in this section, only after the successful passage by such person of an examination, provided for by the school committee." (*General Laws*, 1923, Chapter 80, Sec. 3.)

Truancy.

(*General Laws*, 1923, Chapter 76, Secs. 2–7.)

Child Labor.

(*General Laws*, 1923, Chapter 85, Sec. 1.)

SOUTH CAROLINA

Exemption from Taxation.

"There shall be exempted from taxation . . . . . the property of all schools, colleges and institutions of learning." (*Constitution*, Art. X, Sec. 4.)

No Appropriation for Sectarian Purposes.

"The property or credit of the state of South Carolina, or of any county, city, town, township, school district, or other subdivision of the said state, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization." (*Constitution*, Art. XI, Sec. 9.)

Compulsory Attendance.

"Every parent, guardian, or other person having charge of any child between eight and fourteen years of age inclusive, must send such child to a public ,private or parochial school, or to a competent tutor, subject to the approval of the County Superintendent of Education, for four consecutive months, or eighty consecutive school days, during the scholastic year that the school attended is in session; Provided, That in case the term of any school is less than four months or eighty school days, attendance for the full term of such school shall be sufficient to meet the requirements of this Act except as hereinafter provided." (*General School Law*, 1921, p. 68.)

Approval of Private Schools.

"Any private or parochial school attended by any child between eight and fourteen years of age shall be first approved by the State Board of Education. Such school must give its instruction in the English language, and it must teach such subjects as are required in a similar public school in South Carolina, and be supervised by the County Superintendent of Education, or Supervisor of Public Schools." (*General School Law*, 1921, p. 70.)

Private Schools Must Report to State Superintendent.

"The Trustees, officers or persons in charge of all literary, scientific or professional institutions of learning incorporated, supported or aided by

the state, of all schools or private educational institutions, shall, on or before the fifteenth day of July in each year, make a report in writing to the State Superintendent of Education of such statistics as the Superintendent shall prescribe relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school under their charge." (*General School Law*, 1919, p. 62.)

Private Schools Must Report to County Superintendent of Education.

"Any and all private schools shall report to the County Superintendent of Education, upon request therefor, of the county wherein such school is located, the number of pupils receiving instruction, the number in regular attendance, the number of teachers employed, and such other facts as will show the grade and amount of educational work actually done in such private school." (*General School Law*, 1919, p. 86.)

Child Labor.

(*General School Law*, 1921, p. 74.)

SOUTH DAKOTA

No Appropriation for Sectarian Purposes.

"No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state." (*Constitution*, Art. VIII, Sec. 16.)

Exemption from Taxation.

"The legislature shall, by general law, exempt from taxation, property used exclusively . . . . . for schools, religious, ... and charitable purposes." (*Constitution*, Art. XI, Sec. 6.)

Compulsory Attendance.

"Every person having under his control a child of the age of eight years and not exceeding the age of seventeen years, shall annually cause such child to regularly attend some public or private day school for the entire term during which the pupil school in the district in which such person resides, or the school to which such child is assigned to attend, is in session, until the child shall have completed the first eight grades of the regular common school course, or shall have completed a course in a private day school equivalent to the first eight grades of the regular common school course, or shall have reached the age of seventeen years, unless excused as hereinafter provided." (*School Code*, 1921, p. 85.)

"The county superintendent shall have authority in all schools under his direct supervision, and the board of education in all independent school districts employing and maintaining a superintendent for the schools of such independent district shall likewise have power, to excuse a child from school attendance for the following reasons:

"Because the child is otherwise instructed by a competent person and for a like period of time in the branches commonly taught in the public schools; provided, that all such instruction shall be given only and entirely in the English language. The county superintendent shall be the judge as to the competency of such instruction and the child so instructed shall take such examination as the county superintendent may require, and reports covering his work shall be filed with the county superintendent in such form and as often as that officer may require." (*School Code*, 1921, p. 86.)

Truancy.

(*School Code*, pp. 85–88.)

Branches to be Taught.

"Instruction shall be given in all the common schools of the state, both public and private, in the English language only, in the following branches, in the several grades in which they may be required in the state course of study: Reading, writing, orthography, arithmetic, geography, primary language and English grammar, history of the United States, history of South Dakota, physiology and hygiene, with special instruction as to the nature of alcoholic drinks, narcotics, and habit-forming drugs and their effects upon the human system, civil government, drawing, and such other branches, including such high school subjects as the electors of the district at the annual election may have ordered; provided, that if high school branches are ordered taught the board shall hire a teacher holding at least a state certificate." (*School Code*, 1921, p. 42.)

Instruction in Patriotism.

"In every educational institution in this state, whether public or private, one hour each week in the aggregate shall be devoted to the teaching of patriotism, the singing of patriotic songs, the reading of patriotic addresses, and a study of the lives and history of American patriots. It shall be the duty of all instructors, and of all school officers and superintendents, to enforce the provisions of this section and any person who shall fail, neglect or refuse to enforce its provisions shall be deemed guilty of a misdemeanor." (*School Code*, 1921, p. 94.)

Instruction in State and Federal Constitutions.

"In all public and private schools located within the state of South Dakota, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the Constitutions of the United States and the state of South Dakota.

"Such instruction in the Constitutions of the United States and the state of South Dakota shall begin not later than the opening of the eighth grade, and shall continue in the high school course to an extent to be determined by the Superintendent of Public Instruction, and such course shall be continued in the state institutions of higher learning to an extent to be determined by the Regents of Education." (*Session Laws*, 1923, Chapter 171.)

Use of English.

"It is the civic right of every child of school age to receive instruction in the subjects outlined in the state course of study and mentioned in Chapter 168, Laws of 1919, in the English language, for a term provided in the state course of study and in the laws of the state, until such child shall have completed the eighth grade; and it shall be unlawful for any person or persons to act, aid, assist, advise or be instrumental in abridging or attempting to abridge the privilege of any child to receive such instruction by substituting therefor, instruction in some foreign language either by shortening the course of instruction in English in any school or by coercing, requiring or inducing any child to withdraw from a school in which instruction is given in English to attend a school in which instruction is given in any foreign language, or to establish a school in which instruction is given in any foreign language as a substitute for a school in which English is the sole medium of instruction.

"It shall be unlawful at any time during the months from September to May, both inclusive, for any person, or persons, or corporation to occupy or use any public school room or other public building in this state for the purpose of giving instruction in any foreign or ancient language or for teaching any subject, or subjects, in any excepting the English language except as permitted by the state course of study and in conformity with the provisions of Chapter 168 of the Session Laws of 1919; and it shall be unlawful during the time above specified for any school board or officer to authorize or permit the use of any public school room or other public building within the state for the purpose of teaching any foreign or ancient language or for the purpose of teaching any subject in such language contrary to the provisions of this section and of the laws herein before refered to. Provided, that nothing herein contained shall be construed to interfere with religious exercises on days other than school days." (*School Code*, 1921, p. 102.)

Use of a Foreign Language.

"It shall be unlawful to teach any subject, except foreign and ancient languages, in any high school, academy, college or higher institution of learning in this state in any except the English language, or to teach any subject, except foreign and ancient languages and religious subjects, in any private school, private academy, private college or any private higher institution of learning in this state except in the English language. Any instructor, school officer or person who shall violate this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars, and, in case of any teacher, such conviction shall be sufficient ground for revocation of his certificate by the superintendent of public instruction." (*School Code*, 1921, p. 43.)

Supervision and Inspection of Private Schools.
Certification of Private School Teachers.

"All private school instruction and all private instruction accepted in lieu of public school instruction shall first be approved by the county superintendent, who shall exercise supervision over such schools and such instruction, and shall exercise the right of visitation and inspection thereof,

and may revoke his approval of such instruction at any time, and such schools make all reports to the county superintendent concerning attendance as are required of public schools; provided, that any person aggrieved by the decision of the county superintendent in the exercise of such supervision may appeal to the superintendent of public instruction, whose decision shall be final. Provided, that no person shall be permitted to teach in any private school any of the branches prescribed to be taught in the public schools unless such person shall hold a certificate entitling him to teach the same branches in any public schools of this state." (*School Code*, 1921, pp. 88–89.)

Regulations Relative to Teachers' Certificates.

(*School Code*, 1921, pp. 5–10 and *Session Laws*, 1923, Chapter 178.)

Oath of Allegiance.

"No teacher's certificate of any grade shall hereafter be issued in this state unless the applicant shall first take and subscribe an oath to support the Constitution of the United States and of the state of South Dakota, which shall be kept on file in the office of the superintendent of public instruction.

"No teacher shall hereafter be employed in any private or parochial or public school, or in any other educational institution within this state who shall not have taken and subscribed an oath of allegiance as required in section one hereof, either preliminary to the issuance of his teacher's certificate or at the time of his employment; in the latter case such oath shall be attached to and become a part of his contract of employment.

"No school board or officer shall hereafter employ as a teacher any person who shall refuse to take the oath of allegiance hereinbefore provided for.

"Any teacher who shall have publicly reviled, ridiculed or otherwise spoken or acted with disrespect and contumacy towards the flag of the United States or its official uniforms or insignia, or towards the system of government of the United States and its Constitution, or shall refuse to take and subscribe the oath of allegiance hereinbefore required, shall thereafter forever be disqualified to teach in any public school within this state, and the certificate of any such teacher shall be revoked by the superintendent of public instruction upon satisfactory proof of the commission of any such offense." (*School Code*, 1921, p. 103.)

Americanization of Aliens.

"All persons between the ages of 16 and 21 years, inclusive, who are not physically or mentally disqualified, and who do not possess the ability to speak, read and write the English language, as is required for the completion of the fifth grade in the public schools of this state, shall attend public evening school classes for at least eight hours each week during the entire time that evening classes of the proper grade shall be in session in the school district wihtin five miles of his or her place of residence or until the necessary ability has been acquired; provided, that regular attendance at a public day or part-time school shall be accepted in place of attendance at evening school classes." (*School Code*, 1921, p. 89.)

Normal Training in High Schools.
(*School Code*, 1921, p. 96.)

Excuse from Attendance for the Purpose of Receiving Religious Instruction.

"A child may on application of his parent or guardian be excused from school for one hour per week for the purpose of taking and receiving religious instruction conducted by some church or association of churches or any Sunday School Association incorporated under the laws of the state or any auxiliary thereof; said time, when pertaining to schools in open country, may be used cumulatively each separate month, as local circumstances may require. The County Superintendent of Schools in Common School Districts and the Board of Education in Consolidated and Independent School Districts shall decide at what hour scholars may be thus excused, and in no event shall such instruction be given in whole or in part at public expense." (*Session Laws*, 1923, Chapter 167.)

Use of Public Schoolhouse.

"Public schoolhouses, outside of cities and towns, may hereafter be used for public meetings, including singing, literary societies, political and other meetings for moral purposes." (*School Code*, 1921, p. 77.)

TENNESSEE

Common School Fund not to be Diverted.

". . . . no law shall be made authorizing said (common school) fund or any part thereof to be diverted to any other use than the support and encouragement of common schools." (*Constitution*, Art. XI, Sec. 12.)

Exemption from Taxation.

"All property, real, personal, or mixed, shall be taxed; but the legislature may except . . . . such as may be held and used for purposes purely religious, charitable, scientific, literary, or educational." (*Constitution*, Art. II, Sec. 28.)

Compulsory Attendance.

"Every parent, guardian, or other person, in the state of Tennessee, having charge or control of any children between the ages of seven and sixteen years, inclusive, shall cause such child to be enrolled in and attend some day school, public, private, or parochial, for the entire term of school in each year in the county or city in which said child may reside." (*School Code*, 1923, p. 50.)

Delinquency and Truancy.
(*School Code*, 1923, pp. 53–55.)

Contracts of Consolidation with Private Schools.

"The County Board of Education shall have power to make contracts of consolidation with the proper authorities of seminaries, academies, or

colleges, or with City Boards of Education, or District Directors, whereby the county high school may be taught in said seminaries, academies, or colleges, or city or district schools; provided, that the high school branches be taught free of charge to all pupils of the county entitled thereto; and provided, further, that the authority of the State Commissioner of Education and County Superintendent, the Board of Education, and all school officers shall be as full and ample in such consolidated school as in other county high schools; and provided, further, that no teacher shall be employed in teaching the said high school branches unless said teacher shall have a teacher's certificate of such grade as may be prescribed for such service, the County Superintendent under the general regulations, and unless the employment of said teacher shall be approved by the Board of Education." (*School Code*, 1923, p. 45.)

Fire Drill.

"It shall be the duty of the Fire Prevention Commissioner, his deputies and assistants,to require officials and teachers of public and private schools and educational institutions to have at least one fire drill each month." (*School Code*, 1923, p. 39.)

TEXAS

No Appropriation for Sectarian Purposes.

"The available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school." (*Constitution*, Art. VII, Sec. 5.)

Exemption from Taxation.

". . . . the legislature may, by general laws exempt from taxation . . . . actual places of religious worship . . . .; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools; also the endowment funds of such institutions of learning and religion not used with a view to profit . . . ." (*Constitution*, Art. VIII, Sec. 2.)

Compulsory Attendance.

"Every child in this state who is eight years and not more than fourteen years old shall be required to attend the public schools in the district of its residence, or in some other district to which it may be transferred, as provided by law, for a period of not less than one hundred (100) days.

"The following classes of children are exempt from the requirements of this Act:

"(a) Any child in attendance upon a private or parochial school which shall include in its course a study of good citizenship, and shall make the English language the basis of instruction in all subjects shall be exempted from the provisions of this Act." (*Senate Journal*, 1923, p. 1533.)

Truancy.

(*School Code*, 1922, pp. 133–140.)

Report Enrollment.

"It shall be the duty of the superintendent, principal or other official of private, denominational or parochial schools to furnish to said county superintendent a list of all children of scholastic age enrolled in the school presided over by said official." (*School Code*, 1922, p. 138.)

UTAH

No Appropriation for Sectarian Purposes.

"Neither the legislature, nor any county, city, town, school district or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution controlled in whole, or in part, by any church, sect or denomination whatever." (*Constitution*, Art. X, Sec. 13.)

Exemption from Taxation.

". . . . lots with buildings thereon used exclusively for either religious worship or charitable purposes . . . . shall be exempt from taxation." (*Constitution*, Art. XIII, Sec. 3.)

Compulsory Attendance.

"Every parent, guardian, or other person having control of any child between eight and sixteen years of age shall be required to send such child to a public, district, or private school in the district in which he resides, at least twenty weeks in each school year, ten weeks of which shall be consecutive; provided, that in cities of the first and of the second class and children shall be required to attend school at least thirty weeks in each school year, ten of which shall be consecutive; provided, that in each year such parent, guardian, or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city, as the case may be, whenever it be shown to their satisfaction that one of the following reasons exists:

"1. That such child is taught at home in the branches prescribed by law for the same length of time as children are required by law to be taught in the district school.

"2. That such child has already acquired the branches of learning taught in the district schools." (*School Laws*, 1921, p. 60.)

Part-Time Schools.

"Every parent, guardian, or other person having control of any minor between sixteen and eighteen years of age or any minor under sixteen years of age who has completed the eighth grade, shall be required to send such minor to a regular public or private school at least thirty weeks each school year, unless such minor is legally excused to enter employment; and if such minor is so excused, the said parent, guardian, or other person shall be required to send such minor to a part-time school or a continuation school at least 144 hours per year." (*School Laws*, 1921, pp. 68–69.)

Truancy.

(*School Laws*, 1921, pp. 39–41.)

Teaching the Constitution in Schools and Colleges.

"In all public and private schools located within the state, commencing with the school year next ensuing after the passage of this Act, there shall be given regular courses of instruction in the Constitution of the United States.

"Such instruction in the Constitution of the United States shall be given at such time and be pursued to such an extent in the public and private schools as shall be determined by the State Board of Education.

"Such instruction in the Constitution of the United States shall be given in all colleges and universities in the state at such time and to such an extent as shall be determined by the respective faculties of such institutions." (*Session Laws*, 1923, Chapter 4.)

Americanization

"Every alien person residing in this state, except those who may be physically or mentally disqualified, between the ages of sixteen and thirty-five years, who does not possess such ability to speak, read, and write the English language as is required for the completion of the fifth grade of the public schools of the state, shall attend a public evening school class for at least four hours a week during the entire time an evening school class of the proper grade shall be in session in that district within two and one-half miles of his place of residence, or until the necessary ability has been acquired." (*School Laws*, 1921, p. 72.)

VERMONT

Encouragement and Protection of Religion and Learning.

"All religious societes, or bodies of men that may be united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this state shall direct." (*Constitution*, Chapter I, Sec. 64.)

Compulsory Attendance.

"A person having the control of a child between the ages of eight and sixteen years shall, unless such child is mentally or physically unable so to attend or is otherwise being furnished with the same education or has completed the elementary school course or the rural school course and the first two years of the junior or senior high school course or is excused by the superintendent or a school director as provided in this chapter, cause such child to attend a public school continuously for the full number of days for which such school is held." (*School Code*, 1921, p. 29.)

Medical Inspection.

"Said medical inspectors shall, under such rules and regulations, examine the pupils of any private school located in such district, when

requested so to do by the principal thereof, or when any communicable disease is present in such district, or when the pupils thereof may have been exposed to any such disease." (*School Code*, 1921, p. 43.)

Fire Drill.

"The principal or person in charge of a public or private school or educational institution, other than a university or college, shall drill the pupils so that they may be able to leave the school building in the shortest possible time and without panic or confusion. Such drills shall be held at least once in each month, when such school or institution is in session." (*School Code*, 1921, p. 44.)

VIRGINIA

No Public Funds for Sectarian Purposes.

"No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the state of some political subdivision thereof." (*Constitution*, Sec. 141.)

Exemption from Taxation.

". . . . the following property . . . . shall be exempt from taxation, state and local; but the General Assembly may hereafter tax any of the property hereby exempted. . . ."

"(d) Buildings with the land they actually occupy, and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning . . ." (*Constitution*, Sec. 183.)

Compulsory Attendance.

"Every parent, guardian, or other person in the state of Virginia, having control or charge of any child, or children, who have reached the eighth birthday and have not passed the fourteenth birthday, shall send such child, or children, to a public school or to a private, denominational or parochial school or have such child or children taught by a tutor or teacher in a home, and such child, or children, shall attend regular such school during the period of each year the public schools are in session and for the same number of days as in the public schools . . . ."

"For the purpose of this act instruction in a private, denominational, or parochial school, or in a home by a tutor or other teacher shall be deemed equivalent to instruction in a public school." (*Acts of Assembly*, 1922, Chapter 381.)

Use of Public Schoolhouse.

"When a responsible resident citizen of any school district may apply to any school trustees of said district for the use of a schoolhouse, to be used when the school is not in session during the school term or in vacation, by any lawful assembly of educational, agricultural, civic or social bodies, organizations or gatherings, the said trustee may grant the use of said building." (*School Laws*, 1920, p. 36.)

WASHINGTON

Publicly Supported Schools to be Non-Sectarian.

"All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence." (*Constitution*, Art. IX, Sec. 4.)

Compulsory Attendance.

"All parents, guardians and other persons in this state having or who may hereafter have immediate custody of any child between eight and fifteen years of age (being between the eighth and fifteenth birthdays), or of any child between fifteen and sixteen years of age (being between the fifteenth and sixteenth birthdays) not regularly and lawfully engaged in some useful and remunerative occupation, shall cause such child to attend the public school of the district in which the child resides, for the full time when such school may be in session, or to attend a private school for the same time, unless the superintendent of schools of the district in which the child resides, if there be such a superintendent, and in all other cases the county superintendent of common schools, shall have excused such child from such attendance because the child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of the public schools of this state, as provided by the course of study of such school, or for some other sufficient reason. Proof of absence from public school or approved private school shall be *prima facie* evidence of a violation of this section.

"Private schools should be approved, and the county superintendent is the proper person to make the examination thereof." (*School Code*, 1917, pp. 155–156.)

Part-Time Schools.

"Whenever a part-time school or class is established and maintained in accordance with this act by the district in which any minor under eighteen years of age resides or in which he is employed, the parent, guardian or other person having control or charge of such minor shall cause him or her to attend such part-time school or class at least four hours per week during the time the public schools of the district where such school or class is located are in session, unless (1) such minor is in attendance upon a regular full-time day school supported by either public or private funds, or (2) shall have completed a four-year high school course, or its equivalent, or (3) is in attendance upon a part-time school maintained in accordance with the provisions of this act, and approved by the State Board, although not qualifying for reimbursement . . . ." (*Session Laws*, 1919, p. 423.)

Child Labor.

(*School Code*, 1917, pp. 156–159.)

Private Schools Must Report Attendance.

"It shall be the duty of the principal or head of every private school on or before the 30th day of June of each year to make a sworn report to the

clerk of the district in which any pupil attending such private schoo resides of the actual days' attendance in said private school of each such pupil attending said private school during the preceding school year. The report shall include such pupils only as are between six and twenty-one years of age and whose parents or guardians actually reside in the school district where the said pupil resides, and each district in making up the attendance of said district for the purpose of apportionment shall be entitled to the days' attendance so reported." (*School Code*, 1917, pp. 101–102.)

Educational Institutions to Report.

The Superintendent of Public Instruction shall "require annually ,on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report of such facts arranged in such form as he may prescribe, and he shall furnish blanks for such reports; and it is hereby made the duty of every president, manager or principal, to fill up and return such blanks within such time as the Superintendent of Public Instruction shall direct." (*School Code*, 1917, p. 11.)

Higher Institutions of Learning.

"The State Board of Education shall investigate the character of the work required to be performed as a condition of entrance to and graduation from normal schools, colleges, universities and other institutions of higher education and to prepare an accredited list of higher institutions of learning." (*School Code*, 1917, p. 13.)

Accredited Normal Training Departments.

"When requested by any institution of higher learning situated within the state maintaining a normal training department the board shall send an inspector, qualified for such service, to examine the equipment of such department and to ascertain the extent and character of the courses provided and the preparatory requirements for admission to them, which requirements must include the completion of a high school course or its equivalent, and particularly the qualifications and experience of the instructors and supervisors who are responsible for the work of this department.

"The inspector shall make a detailed report, including declaration of his opinion of the adequacy of the department for the work of educating and training teachers, which report shall be placed on file in the office of the Superintendent of Public Instruction.

"If any such normal training department is ascertained to be equipped and manned adequately for the education and training of teachers and to be under reliable and responsible management and upon a basis of efficiency equal to that of the normal schools maintained by the state, it shall be the duty of the board to accredit such department and to grant life diplomas to graduates who present diplomas certifying that the holders have completed the courses approved by the board when the applicants have complied with the other requirements for life diplomas. It shall be the further duty of the board to inspect all accredited normal training departments each year." (*School Code*, 1917, pp. 13–14.)

Visitation of Children's Homes, etc.

"In each county, the judge presiding over the juvenile court sessions, as defined in this act, may appoint a board of four reputable citizens, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as twice a year all institutions, societies and associations within the county receiving children under this act, as well as all homes for children or other places where individuals are holding themselves out as caretakers of children, also to visit other institutions, societies and associations within the state receiving and caring for children, whenever requested to do so by the judge of the juvenile court . . . . Such visits shall be made by not less than two members of the board, who shall go together or make a joint report. The board of visitors shall report to the court from time to time the condition of children received by or in charge of such institutions, socieites, associations, or individuals. It shall be the duty of every institution, society, or association, or individual receiving and caring for children to permit any member or members of the board of visitation to visit and inspect such institution, society, association or home where such child is kept, in all its departments, so that a full report may be made to the court." (*School Code*, 1917, pp. 185–186.)

Religious Service in Parental School.

"No religious instruction shall be given in such school, but the board of directors may make suitable regulations so that the inmates may receive religious training, either by allowing religious services to be established in the institution, or by arranging for attendance elsewhere." (*School Code*, 1917, p. 191.)

Fire Drill.

"It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least twice in each month." (*School Code*, 1917, p. 168.)

WEST VIRGINIA

Exemption from Taxation.

"Property used for educational, literary, scientific, religious or charitable purposes: all cemeteries and public property may, by law, be exempted from taxation." (*Constitution*, Art. X, Sec. 1.)

Compulsory Attendance.

"Every person who has legal or actual charge of a child or children not less than seven nor more than fourteen years of age shall cause such child or children each year to attend a free day school for the full school term of the district or independent district in which such person resides; provided, however, that such person shall be exempt from the foregoing requirement for any of the following causes:

"(a) Instruction for a time equal to that required by this act in a private, parochial or other school approved by the district board of education. The principal or other person in control of such private, parochial or other approved school shall upon the request of the district board of education, furnish to said board such information as it may require with regard to the attendance and instruction of pupils between the ages of seven and fourteen years enrolled therein.

"(b) Instruction for a time equal to that required by this act in the home of such child or children or elsewhere by a person or persons who are, in the judgment of the district board of education, qualified to give instruction in the subjects required to be taught in the free elementary schools of this state. The person or persons giving such instruction shall, upon the request of the district board of education, furnish to said board such information as it may require with regard to the attendance and instruction of pupils between the ages of seven and fourteen years receiving such instruction." (*School Code*, 1921, pp. 55–56.)

Unemployed Children.

"Every child over fourteen and under sixteen years of age who is not engaged in some regular employment or business for at least six hours per day or who has not received written permission from the superintendent of schools of the city or county in which he resides, to engage in profitable employment at home, shall attend a public school day or other school day approved by the board of education of his school district or independent school district during the entire time the public schools are in session, subject to such exemptions as are provided for in section one hundred twenty-five of this act, except that no child over fourteen and under sixteen years of age shall be exempt from school attendance as herein required for the reason that he has completed an eight-years' course of study in the elementary and grammar schools or junior high schools of the state, if a high school or other school of advanced grades is provided within two miles of his home.

"Each minor over fourteen years of age and under sixteen years of age who is not in regular attendance upon a public, private or parochial school or who is regularly and lawfully employed in some occupation of service, unless such minor has completed eight years of elementary schooling, shall attend a part-time school or class in the district in which such minor resides or may be employed. Such attendance shall be for not less than four hours per week and not more than eight hours per week for each week which such school or class is in session until the total attendance amounts to at least one hundred and forty-four hours for the school year, except that the school authorities may, subject to the approval of the state superintendent of free schools, permit any such minor to increase the number of hours per week of required attendance and decrease the number of weeks of required attendance. The attendance upon a part-time school or class shall be between the hours of eight o'clock forenoon and five o'clock afternoon." The school attended need not be a public school. (*School Code*, 1921, pp. 58–59.)

Child Labor.

(*School Code*, 1921, pp. 109–113.)

Supervision of Private Teacher-Training Departments.

The State Board of Education, "shall also exercise supervisory control over the teacher training departments of all private or denominational schools which offer courses for the training of teachers, or which maintain classes or departments therefor." (*School Code*, 1921, p. 11.)

Use of English.

"It is approved that the basic language of instruction in the common school branches in all schools, public and private and parochial, shall be in the English language only." (*School Code*, 1921, p. 12.)

Instruction in Civics and History.

"In all the public, private, parochial and denominational schools located within the state of West Virginia there shall be given regular courses of instruction in history of the United States, in civics and the constitutions of the United States and the state of West Virginia, for the purpose of teaching, fostering and perpetuating the ideals, principles and spirit of Americanism, and increasing the knowledge of the organization and machinery of the government of the United States and of the state of West Virginia. The state board of education shall prescribe, with and on the advice of the state superintendent of schools, the courses of study covering these subjects for the public elementary and grammar schools, public high schools and the state normal schools.

"It shall be the duty of the officials or boards having authority over the respective private, parochial and denominational schools to prescribe similar courses of study for the schools under their control and supervision, as is required by the preceding section for the public schools." (*Session Laws*, 1923, Chapter 10, pp. 39–40.)

Fire Prevention.

"The state superintendent of schools is hereby empowered and directed to provide a course of study in fire prevention for use in the public, private and parochial schools of this state, dealing with the protection of lives and property against loss or damage as a result of preventable fires.

"It shall be the duty of the county superintendent, board of education, directors, trustees or other committees or persons having control of public, private and parochial schools in each county, village, city or school district, to arrange for such course of study in fire prevention and to compel its use in each school under its or their control or direction." (*School Code*, 1921, p. 114.)

WISCONSIN

No Appropriation for Sectarian Purposes.

". . . . nor shall any money be drawn from the treasury for the benefit of religious societies, or religious, or theological seminaries." (*Constitution*, Art. I, Sec. 18.)

Compulsory Attendance.

"Any person having under his control any child between the ages of seven and fourteen years, or any child between the ages of fourteen and

sixteen years not regularly and lawfully employed in any useful employment or service at home or elsewhere, shall cause such child to be enrolled in and to attend some public, parochial or private school regularly (regular attendance for the purpose of this statute shall be an attendance of twenty days in each school month, unless the child can furnish some legal excuse), in cities of the first class during the full period and hours of the calendar year (religious holidays excepted) that the public, parochial or private school in which such child is enrolled may be in session; in all other cities not less than eight school months; and in towns and villages not less than six school months in each year, and all children subject to the provisions of this subsection shall be enrolled in some public, parochial or private school within one school month after the commencement of the school term in the district in which such children reside, except that in cities of the first class such children shall be enrolled at the time of the opening of the school which they will attend (and the word 'term,' for the purposes of this subsection, shall be construed to mean the entire time that school is maintained during the school year); . . . . Instruction during the required period elsewhere than at school, by a teacher or instructor selected by the person having control of such child shall be equivalent to school attendance, provided that such instruction received elsewhere than in school be at least substantially equivalent to instruction given to children of like ages in the public, parochial or private school where such children reside . . . . " (*Laws of Wisconsin Relating to Common Schools*, 1919, pp. 445–446.)

Keeping of Record.

"All teachers of private and parochial schools shall keep a record embodying all the data enumerated in this subsection (regarding attendance), and such record shall be open to the inspection of all truant officers at any and all reasonable times; and provided that when called upon by any truant officer, the teachers in private or parochial schools shall furnish in writing on blanks furnished by the truant officer the above-mentioned data in regard to any child or children between the ages of seven and fourteen and fourteen and sixteen who claim, or who are claimed to be in attendance upon said school; and every teacher in a public, private or parochial school shall promptly notify the proper truant officer of any child whose attendance is habitually irregular . . . . " (*Laws of Wisconsin Relating to Common Schools*, 1919, p. 448.)

Use of Public Schoolhouse.

"Upon application of not less than one-half of the voters residing in the district, the school board or other body having charge of schoolhouses or other public buildings or grounds, which are capable of being more widely used as public meeting places for nonpartisan gatherings of citizens, for the presentation and discussion of public questions or for other civic, social or recreational activities, shall allow the use of such buildings or grounds for the open presentation and free discussion of public questions, and may allow the use of such buildings or grounds for such other civic, social and recreational activities as in the opinion of the controlling board do not interfere with the prime purpose of the building or grounds." (*Laws of Wisconsin Relating to Common Schools*, 1919, p. 415.)

Fire Drill.

"The teacher, principal, superintendent or other person having direct charge of and supervision over any public, private or parochial school, high school, college or normal school in this state shall, at least once each month without previous warning, cause all persons in attendance at any such institution to be drilled in proper methods of orderly and rapid departure from each building exceeding one story in height belonging to such institution as if in case of fire." (*Laws of Wisconsin Relating to Common Schools*, 1919, p. 420.)

WYOMING

No Appropriation for Sectarian Schools.

". . . . nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever." (*Constitution*, Art. VII, Sec. 8.)

Compulsory Attendance.

"Every parent, guardian or other person in this state having control or charge of any child or children between the ages of seven and sixteen inclusive, or of any child or children who have not completed the work of the eighth grade and who are mentally capable of doing such work and is not over sixteen years of age, shall be required to send such child or children to a public, private or parochial school, or to two or more of these schools, each school year, during the entire time that the public school shall be in session in the district in which the pupil resides." (*School Laws*, 1923, pp. 13–14.)

Truancy.

(*School Laws*, 1923, pp. 23–24.)

Child Labor.

(*School Laws*, 1923, pp. 14–18.)

SUMMARY OF STATE LAWS and STATE CONSTITUTIONAL PROVISIONS AFFECTING PRIVATE SCHOOLS

Constitutional Provisions Against Appropriations for Sectarian Purposes and Against the Use of Public School Funds for Other than Public School Purposes.

The constitutions of the following 40 states contain such provisions:

Alabama	Indiana	Nebraska	Pennsylvania
Arizona	Kansas	Nevada	South Carolina
California	Kentucky	New Hampshire	South Dakota
Colorado	Louisiana	New Jersey	Tennessee
Connecticut	Massachusetts	New Mexico	Texas
Delaware	Michigan	New York	Utah
Florida	Minnesota	North Dakota	Virginia
Georgia	Mississippi	Ohio	Washington
Idaho	Missouri	Oklahoma	Wisconsin
Illinois	Montana	Oregon	Wyoming

Constitutional Provisions for the Exemption of School Property from Taxation Purposes.

The constitutions of the following 32 states contain such provisions:

Alabama	Illinois	Nebraska	Pennsylvania
Arizona	Indiana	Nevada	South Carolina
Arkansas	Kansas	New Mexico	South Dakota
California	Kentucky	North Carolina	Tennessee
Colorado	Louisiana	North Dakota	Texas
Delaware	Minnesota	Ohio	Utah
Florida	Missouri	Oklahoma	Virginia
Georgia	Montana	Oregon	West Virginia

Compulsory Attendance.

The period of compulsory school attendance for each of the 48 states is given below:

Alabama	8–16	Indiana	7–16; part-time till 18.
Arizona	8–16	Iowa	7–16
Arkansas	7–15; both incl.	Kansas	7–16
California	8–16; part-time till 18	Kentucky	7–16
Colorado	8–16	Louisiana	7–14
Connecticut	7–16	Maine	7–15; till 16, if 6th grade not completed.
Delaware	7–16	Maryland	7–14
Florida	7–16; both incl.	Massachusetts	7–14; continuation till 16.
Georgia	8–14	Michigan	7–16; continuation till 18.
Idaho	8–18; unless 8th grade completed.	Minnesota	8–16
Illinois	7–16; continuation till 17, and after 1925 till 18.		

Mississippi	7–14
Missouri	7–14; continuation till 16.
Montana	8–16
Nebraska	7–16
Nevada	7–18; unless over 14 and 8 grades completed.
New Hampshire	8–16
New Jersey	7–16
New Mexico	6–16
New York	7–14; continuation till 18.
North Carolina	7–14
North Dakota	7–15
Ohio	6–18; unless lawfully employed.
Oklahoma	8–18
Oregon	9–15; continue to 18.
after 1926	8–16; at public school.*
Pennsylvania	8–16
Rhode Island	7–16; must complete 8 grades.
South Carolina	8–14
South Dakota	8–17; unless 8 grades completed.
Tennessee	7–16
Texas	8–14
Utah	8–16; part-time till 18.
Vermont	8–16
Virginia	8–14
Washington	8–15; part-time till 18.
West Virginia	7–14; till 16 if unemployed.
Wisconsin	7–14; till 16 if unemployed.
Wyoming	7–16

Inspection and Supervision of Private Schools, or Their Approval for Compulsory Education Purposes.

Alabama.—Inspection of convents, reformatories, etc,. as to sanitary conditions, manner of conduct, and treatment of inmates.

Connecticut.—State board of education may inspect registers.

Florida.—Inspection of convents, reformatories, etc., as to general condition, and treatment of inmates.

Illinois.—Such charitable institutions as are educational in character, may be visited.

Indiana.—Schools attended by children of compulsory education age are to be "open to the inspection of local and state attendance and school officers."

Kansas.—The state board of education has the power of visitation, to see that the laws regarding the use of the English language and the teaching of civil government are enforced.

Kentucky.—The teachers and the courses of study of private schools must have the approval of the state board of education.

Maine.—For compulsory education purposes, the courses of study and methods of instruction in private schools must have the approval of the state superintendent of public schools.

Massachusetts—A private school giving instruction to children of compulsory education age, must be a day school approved by the school committee.

Michigan.—The superintendent of public instruction and his agents may "investigate and examine" private schools as to "sanitary conditions, courses of study, and qualification of teachers."

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* Law declared invalid by Federal District Court.

Nebraska.—County and city superintendents must inspect private schools at least twice a year, regarding Americanism, course of study and qualification of teachers.
Nevada.—Private schools must give "equivalent instruction fully approved by the school trustees as to kind and amount."
New Hampshire.—Private schools must have the approval of the board of education for compulsory education purposes.
New Mexico.—Private schools must have courses of instruction approved by the state board of education.
New York.—The commissioner of education "shall cause to be inspected and supervise the instruction" in patriotism and citizenship.
North Dakota.—For compulsory education purposes, private schools must have the approval of county superintendents.
Pennsylvania.—Inspection of all children's institutions as to instruction, discipline, care, etc.
Rhode Island.—Private schools must be approved for compulsory education purposes.
South Carolina.—Private schools "must be supervised by the county superintendent of education or by the supervisor of public schools." Private schools must also be approved.
South Dakota.—Private schools must be approved. The county superintendent "shall exercise the right of visitation and inspection" of private schools and private instruction.
Washington.—Private schools should be examined and approved by the county superintendent. All institutions caring for children are to be visited twice a year.
West Virginia.—Private schools must be approved for purposes of compulsory education. The state board of education is to supervise all teacher-training departments.
Wisconsin.—Attendance records are to be open to the inspection of proper authorities.

General Curriculum.

Alabama —Enumerated branches are to be taught in every elementary school
California.—The several branches taught in the public schools.
Colorado.—Enumerated branches.
Connecticut.—Enumerated branches.
Delaware.—The subjects prescribed for elementary schools.
Georgia.—"The ordinary branches of an English education."
Idaho.—Enumerated branches.
Illinois.—Such branches as are taught in public schools.
Indiana.—Enumerated branches.
Iowa.—Enumerated branches.
Maine.—"Minimum subjects prescribed for approved schools."
Maryland.—Subjects usually taught in public schools.
Massachusetts.—All studies required by law.
Michigan.—Same as public schools.
Montana.—Enumerated subjects.
Nebraska.—Substantially the same instruction as in public schools.

Nevada—Equivalent instruction.
New Hampshire.—Substantially the same subjects as in public schools.
New Jersey.—Enumerated branches.
New Mexico—Courses of instruction approved by the state board of education.
New York.—Enumerated branches.
North Dakota.—Branches usually taught in public schools.
Ohio.—Enumerated branches.
Oregon.—Branches usually taught in public schools.
Pennsylvania.—Enumerated branches.
Rhode Island.—"Substantially equivalent" instruction.
South Carolina—Such subjects as are required in public schools.
South Dakota.—Enumerated branches.
Vermont.—"The same education" as in public schools.

The Teaching of Special Subjects:
The Constitution, Civics, and Patriotism.

Alabama.—Community civics.
California.—The duties of citizenship and local self-government. The Constitution of the United States, in the 8th grade and throughout high school.
Connecticut—Citizenship.
Delaware.—The Constitutions of the United States and Delaware, in the 8th grade and throughout high school.
Idaho.—The Constitution of the United States, in the 6th and 8th grades, throughout high school, and in colleges and universities.
Iowa.—Civics in elementary and secondary schools.
Kansas.—Civil government, patriotism and the duties of citizenship.
Kentucky.—Constitution of the United States in 8th grade, and throughout high school.
Louisiana.—Instruction in the constitutional system of the state and national government, and the duties of citizenship.
Maine.—Civil government, in all elementary and high schools.
Michigan.—Constitutions of the United States and Michigan, in the 8th grade and throughout high school.
Minnesota.—The Declaration of Independence and the Constitution of the United States, in the 8th grade and throughout high school.
Nebraska.—Civil government, state and national.
New Hampshire.—Constitutions of the United States and New Hamsphire, in the 8th grade and throughout high school.
New Jersey.—Constitution of the United States, beginning with the 7th grade, lasting through high school
New York.—Patriotism and citizenship.
Ohio.—American government and citizenship.
Oregon.—Constitution of the United States.
Pennsylvania.—Civics in elementary school. The Constitution of the United States in the 8th grade, and throughout high school.
Rhode Island.—Government of Rhode Island in the 7th and 8th grades; the Constitution and government of the United States and Rhode Island in high school.

South Dakota.—Patriotism throughout the elementary course. Constitutions of the United States and South Dakota, in 8th grade and throughout the high school.
Texas.—Good citizenship.
Utah.—Constitution of the United States.
West Virginia.—Civics, and the Constitutions of the United States and West Virginia.

English as the Language of Instruction. Teaching of Foreign Languages.

Alabama.—English shall be the only language employed and taught in the first six grades.
Arkansas.—English shall be the basic language of instruction in common school branches.
California.—All schools shall be taught in the English language.
Colorado.—The common branches shall be taught in English. A foreign language may not be taught in public elementary schools.
Connecticut.—English shall be the medium of instruction and administration. Instruction in any other language shall not be for more than one hour a day.
Delaware.—All elementary school subjects shall be taught in English.
Idaho.—All subjects shall be taught in English.
Illinois.—English shall be used in teaching the elementary branches.
Indiana.—All subjects in elementary schools shall be taught in English. The teaching of German in the first eight grades is forbidden. In the opinion of the Attorney-General, religious subjects may not be taught in German.
Iowa.—All secular subjects shall be taught in English. No foreign language may be employed or taught below the 8th grade.*
Kansas.—The English language shall be used exclusively as the medium of instruction.
Maine.—English shall be the basic language of instruction in common school branches.
Massachusetts.—Studies required by law shall be taught in English.
Michigan.—All subjects required for the eighth grade diploma shall be taught in English.
Minnesota.—All common branches shall be taught in English.
Nebraska.—All subjects in elementary schools shall be taught in English. A foreign language shall not be taught below the 8th grade.*
Nevada.—All subjects in all schools shall be taught in English.
New Hampshire.—English shall be used in the teaching of all secular subjects, and for administration.
New Jersey.—Branches required by law shall be taught in English.
New York.—Branches required by law shall be taught in English and from English texts.
Ohio.—In the first seven grades, instruction shall be in English only. German shall not be taught below the eighth grade.*
Oklahoma.—English shall be the language of instruction in all elementary schools.
Oregon.—English shall be the language of instruction in all schools.

* See adverse decision of U. S. Supreme Court.

Pennsylvania.—Branches required by law shall be taught in English and from English texts.
Rhode Island.—All subjects, except foreign languages, shall be taught in English.
South Carolina.—Instruction is to be given in English.
South Dakota.—English shall be the sole medium of instruction in branches required by law.
Texas.—English shall be the basic language of instruction.
West Virginia.—English shall be the basic language of instruction in common school branches.

Qualification of Teachers.

Alabama.—Teachers giving instruction to children of compulsory school age, must be regularly certificated.
Arizona.—The board of trustees of the school district and the county superintendent must be satisfied that private schools are taught by competent teachers.
California.—Private schools attended by children of compulsory school age must be taught by persons capable of teaching.
Kansas.—A private school must be conducted by a competent instructor.
Michigan.—After September 1, 1925, private school teachers must have the same certificates as public school teachers. Those who have taught for at least ten years are excepted.
Minnesota.—Private school teachers must be qualified to teach in the English language.
Mississippi.—A private school must be taught by a competent instructor.
Nebraska.—Private school teachers must have the same certificates as public school teachers.
New Jersey.—A private school must be taught by a competent teacher.
New York.—A private school must be taught by a competent teacher.
South Dakota.—Private school teachers must have the same certificates as public school teachers.

Reports Required.

Alabama.—Statistical.
Connecticut.—Statistical.
Delaware.—Statistical.
Illinois.—Statistical.
Indiana.—Enrollment and attendance.
Iowa.—Statistical.
Kentucky.—Attendance.
Maine.—Enrollment.
Maryland.—Enrollment and attendance.
Massachusetts.—Statistical.
Michigan.—All reports required of public schools.
Minnesota.—All reports required of public schools.
Mississippi.—All reports required of public schools.
Nebraska.—Enrollment and attendance.
New Hampshire.—Statistical.
New Jersey.—Statistical.
New Mexico.—Attendance

New York.—All lawfully required reports.
Ohio.—Enrollment and attendance.
Pennsylvania.—Enrollment and attendance.
Rhode Island.—All reports required of public schools regarding enrollment, attendance and instruction.
South Carolina.—Statistical.
South Dakota.—Attendance.
Texas.—Enrollment.
Washington.—Attendance.
West Virginia.—Attendance and instruction.
Wisconsin.—Attendance.

Medical Inspection.

Florida.—All school children shall be examined once each school year.
Indiana.—There shall be medical inspection of all persons attending or employed in all schools.
New Hampshire.—A medical inspector shall be assigned to each school.
Rhode Island.—Medical inspection of all schools shall take place at least once each year.
Vermont.—Medical inspection of private schools shall take place when requested.

Oath of Allegiance.

An oath of allegiance is required of all teachers in the following states: Colorado, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota.

Religious Garb Acts.

The wearing of religious garb in public schools is forbidden in Nebraska, Oregon, and Pennsylvania.

Supreme Court of the United States

OCTOBER TERM, 1924.

No. 583.

WALTER M. PIERCE, as Governor of the State of Oregon; ISAAC H. VAN WINKLE, as Attorney General of the State of Oregon, and STANLEY MYERS, as District Attorney for Multnomah County, State of Oregon,

Appellants,

vs.

THE SOCIETY OF THE SISTERS OF THE HOLY NAMES OF JESUS AND MARY,

Appellee.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OREGON.

ORAL ARGUMENTS ON BEHALF OF APPELLEE IN SUPPORT OF DECISION OF UNITED STATES DISTRICT COURT OF OREGON HOLDING UNCONSTITUTIONAL AND VOID THE COMPULSORY PUBLIC SCHOOL LAW OF THAT STATE ENACTED UNDER INITIATIVE PETITION, NOVEMBER 7, 1922 (296 FED. 928).

(First Day)

Supreme Court of the United States

October Term, 1924.

No. 583.

Walter M. Pierce, as Governor of the State of Oregon; Isaac H. Van Winkle, as Attorney General of the State of Oregon, and Stanley Myers, as District Attorney for Multnomah County, State of Oregon,
Appellants,

vs.

The Society of the Sisters of the Holy Names of Jesus and Mary,
Appellee.

Appeal from the District Court of the United States for the District of Oregon.

ORAL ARGUMENT OF MR. GUTHRIE ON BEHALF OF APPELLEE IN SUPPORT OF DECISION OF UNITED STATES DISTRICT COURT HOLDING UNCONSTITUTIONAL AND VOID THE COMPULSORY PUBLIC SCHOOL LAW OF THAT STATE ENACTED UNDER INITIATIVE PETITION, NOVEMBER 7, 1922 (296 FED. 928).

Washington, D. C., Monday, March 16, 1925.

The above entitled cause came on for oral argument at 3:22 o'clock p. m.

PRESENT: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler, Mr. Justice Sanford and Mr. Justice Stone.

APPEARANCES:

For the Appellants:

George E. Chamberlain, for the Governor of Oregon;

Willis S. Moore, Assistant Attorney General, for the Attorney General of Oregon.

For the Appellee:

William D. Guthrie and J. P. Kavanaugh.

Mr. Guthrie. May it please the Court: On behalf of the appellee, I desire to make an application for extra time. It will be practically impossible for counsel properly to present the case of the appellee in No. 583 in less than an hour and a half. There are two counsel to be heard, counsel from Oregon and myself, and I am to open.

I cannot, in my judgment, after a most careful study of the situation, properly open this extremely important case on behalf of the appellee without at least one hour's time, and my associate, Judge Kavanaugh, should have at least half an hour. I, therefore, earnestly request that the Court will extend to the appellee in No. 583 half an hour of extra time, in what seems to us to be the most important case of this generation.

The Chief Justice. How many counsel are there in the two cases, Mr. Guthrie?

Mr. Guthrie. There are two counsel in our case and one counsel in No. 584 who desire to be heard for the appellees, respectively; and I understand that there are three counsel who desire to be heard in the two cases on behalf of the appellants, the Governor and the Attorney General of the State of Oregon.

The Chief Justice. Well, the two cases involve practically the same question, do they not?

Mr. Guthrie. They involve the same statute, and practically the same question, except that in the first case there is an additional question raised in the briefs of the appellants as the real reason for this enactment, namely, that the appellee, the Society of these Catholic Teaching Sisters, conducts religious schools; whereas in No. 584, although it was originally an Episcopal school, it is now entirely non-sectarian and a military school for boys.

The Chief Justice. Were the cases advanced together?

Mr. Guthrie. No, they were advanced separately; although the application to advance them was made at the same time by the State. I think that the applications were entitled in both causes.

The Chief Justice. I supposed they were intended to be heard together.

Well, I will tell you what I will do, Mr. Guthrie. Yours is the first case. Have you any arrangement with counsel in the other case as to the disposition of time to be awarded?

Mr. Guthrie. Mr. Veatch, who represents the appellee in No. 584, tells me that he will be satisfied with half an hour.

The Chief Justice. Well, then, we will give to No.

583 an hour's extra time. That is, you will have three hours for No. 583, an hour and a half on each side. And for the case which succeeds, I assume that there will have been so much discussion of the same question that they will have to be content with the regular time; that is, one hour on each side.

Mr. Justice Holmes is not able to be here today. Therefore, we would like to vouch him in, so that he may read the briefs and unite with the Court in reaching a conclusion. I assume there will be no objection to that.

Mr. Moore. No, your Honor.

Mr. Guthrie. That is entirely satisfactory to us.

The Chief Justice. It is quite possible, and in fact, we hope, that Mr. Justice Holmes will be here tomorrow and will hear the remainder of the argument.

Mr. Assistant Attorney General Moore thereupon opened the appeal on behalf of the appellants, and was followed by Mr. Guthrie on behalf of appellee.

Mr. Guthrie. May it please the Court: I represent the appellee Society, a Catholic teaching sisterhood, which has been teaching children in Oregon since 1859, that is to say, during the past sixty-six years. As far back as 1866, the Society had established so high a reputation that its academy at Portland was incorporated by the State of Oregon, and in 1880 the Society itself was duly incorporated under the laws of the State.

It now has, as the bill alleges and as is admitted, for the State presented no pleading or proof,—it now conducts eleven primary schools, of which five are academies and six parochial schools, at all of which religion is regularly taught. These eleven schools, in which the primary

and elementary grades are taught, are attended by children between the ages of eight and sixteen years, and four of them are boarding schools. The Society has also eight preparatory or secondary schools and a college. It instructs in Oregon today over 2,600 children, of whom 1,980 are children between the ages of eight and sixteen, including 100 orphans between those ages, of whom it has charge and custody in its orphan asylum located in Clackamas County in the State of Oregon.

In order to simplify the argument, I propose, after endeavoring to eliminate what is not involved and stating some important facts shown by this record, to discuss, with your Honors' indulgence, the questions of law presented on this appeal in the following order:

First: The appellee Society as a corporation is within the provisions of the enactment in question, in that it has charge and custody of children in its boarding schools and orphanage and in that it is otherwise directly affected in its property rights by the provisions in question, and therefore is entitled to sue in its own right.

I may state at this point that I do not understand that any waiver of the Attorney General in regard to our right to sue under the Fourteenth Amendment, or in regard to the alleged prematurity of the suit, can be of much avail. We must satisfy your Honors that you have jurisdiction in equity as well as under the Constitution; and without so satisfying you, we cannot establish jurisdiction in this Court by waiver or consent. But those two questions are fully covered in our briefs.

Secondly: Even if not directly affected or entitled to sue in its own right, the appellee Society is entitled to complain of a law which directly destroys its patronage and prevents parents and guardians from sending their

children to its primary schools, and which practically deprives its teachers in the primary grades of the right to pursue their profession. We conceive that that proposition was recently decided by this Court in the *German Language cases* (262 U. S. 390 *et seq.*), in which Mr. Justice McReynolds wrote the opinion of the court, as well as in *Terrace* v. *Thompson* (263 U. S. 197) when Mr. Justice Butler wrote the opinion.

We contend that the suit was not prematurely brought simply because its penalties do not begin to operate or become effective until September, 1926, because, as matter of fact, it is alleged, and not denied, that its injurious and destructive effects on appellee have been immediate and are so conceded on this record.

Thirdly: I shall contend that the right to conduct a private school is a right partaking of both liberty and property, and as such this corporation, the appellee Society, is entitled to protection under the Fourteenth Amendment against enactments which practically deny it either right.

There is an argument in the brief of the Governor that corporations have no liberties and can assert no such claim. We think that claim untenable and not decided in the cases cited. But whether we are dealing with liberty or with property is immaterial; the right interfered with and sought to be destroyed here partakes of the nature of both liberty and property. And, hence, we insist that in either aspect, and certainly in the property aspect, we are entitled to relief if this act be unconstitutional. This court is constantly granting corporations such relief.

Fourthly: We then argue that the conceded power of the State to regulate private schools and to prescribe

the qualifications of teachers therein and their being licensed does not extend to the power of prohibition or destruction, which is necessarily involved in a law requiring all children between eight and sixteen years of age to be sent to the public schools.

Your Honors will find in the brief of the Attorney General the concession that the reason of this act is apparent, that the reason which prompted the people is apparent, and that it was their intention to compel children between the ages of eight and sixteen to be educated exclusively in the public schools.

Fifthly: We shall urge that the right of parents to send their children to private schools of their own choice is a fundamental, natural and sacred right, which is part of the liberty guaranteed to us all and protected by the Fourteenth Amendment against undue denial by the State.

And likewise we shall urge that the right of teachers in the primary grades of private schools to pursue their time-honored and universally esteemed, and, as Mr. Justice McReynolds said in the *German Language* cases, useful calling, partakes of the nature of both liberty and property, and cannot be arbitrarily denied by a State.

It is said in the brief of the learned Attorney General that the rights of teachers are not affected, because they may go and secure employment in the public schools. But such argument is not worthy to consume any of the very limited time at my disposal for its ready refutation. It is fully covered by the decision in the *German Language* cases.

And, finally, we shall contend that if the true and real motive and intent of this measure, as deliberately disclosed and confessed in the brief filed in this Court on

behalf of the Governor of the State, and as deliberately disclosed and confessed likewise in the brief filed on behalf of the Attorney General of the State—that if the true and real intent and motive, as well as the practical effect, of the enactment in question, constitute an attempt to deny religious liberty or freedom of conscience to those parents who desire to send their children to schools of their selection, where the doctrines of their own faith—be it Catholic, Protestant, or Jewish—can be taught them, the enactment would likewise constitute a violation of religious liberty, which is also guaranteed by the Fourteenth Amendment against undue denial by a State; but this point has not yet been expressly decided by this Court, although within the principle and spirit of Mr. Justice McReynolds' opinions in the *German Language* cases.

If your Honors please, it is important for you to note at the outset that no question is involved as to the power of a State to enact a *compulsory education law* and to require that children shall attend *some* school, and correlatively as to the power and duty of a State to provide at public expense schools where free tuition of children may be obtained.

Compulsory education laws, as Mr. Justice Sanford has just pointed out to the learned Assistant Attorney General, are fundamentally different from *compulsory public school laws* compelling all parents under severe penalties to send their children to a public school. Compulsory education laws are in effect in every State of the Union, as well as in the District of Columbia, and have been in force in Oregon for more than thirty years.

The present enactment, however, is not a *compulsory education law,* such as is in force in every other State, requiring children to be educated and to attend *some* school. But it is a *compulsory public school law,* requiring children to attend a public school, under penalties of fine and imprisonment against the parents and, in practical effect, as indeed was intended and as the learned Assistant Attorney General practically so conceded in his argument, it would suppress and destroy all private schools.

In fact, the Attorney General says in his brief (at p. 72) that "the people of the state of Oregon, under their initiative powers, have enacted a law requiring that all children shall be educated exclusively"—*exclusively* is his very word—"in the public schools."

I am using throughout my argument the term "private school" in the comprehensive sense generally employed in statutes, as comprising schools other than public schools maintained by the State; and I include therein parochial, denominational and all other religious schools, so-called, because they all teach the doctrines of some religion—such religious schools as have been in existence and operation in this country nearly three centuries without interference by any legislature until this Oregon law.

The Chief Justice. Mr. Guthrie, we will suspend now.

Thereupon, at 4:30 o'clock p. m., the Court adjourned until Tuesday, March 17, 1925, at 12 o'clock noon.

(Second Day.)

SUPREME COURT OF THE UNITED STATES,

October Term, 1924,

No. 583.

Walter M. Pierce, as Governor of the State of Oregon; Isaac H. Van Winkle, as Attorney General of the State of Oregon, and Stanley Myers, as District Attorney for Multnomah County, State of Oregon,
Appellants,

vs.

The Society of the Sisters of the Holy Names of Jesus and Mary,
Appellee.

Washington, D. C., Tuesday, March 17, 1925.

The above entitled cause came on for further oral argument at 12 o'clock noon.

Present: The Chief Justice, Mr. Justice Van Devanter, Mr. Justice McReynolds, Mr. Justice Brandeis, Mr. Justice Sutherland, Mr. Justice Butler and Mr. Justice Sanford.

The Chief Justice. The case now on hearing is No. 583, Walter M. Pierce, Governor of the State of Oregon, *et al.*, appellants, *vs.* The Society of the Sisters of the Holy Names of Jesus and Mary, Appellee.

Before you go on, I want to say that Mr. Justice Stone has been called away by the death of a near friend, and will not return until tomorrow morning; but we will consider him in the case, he having been present at the beginning of the hearing.

Mr. Guthrie. That will be satisfactory to all, your Honor.

The Chief Justice. You may proceed, Mr. Guthrie.

Mr. Guthrie. May it please the Court: As the adjournment was taken yesterday, I was stating that no question was involved as to the power of the State to enact compulsory education laws requiring children to attend some school, nor as to the duty of the State to provide means for those who would otherwise be untaught. Every state in the Union has such a compulsory education law, as well as the District of Columbia. Last month Congress passed an act applicable to the District of Columbia, printed in our appendix I, in which it expressly provided that education in a private or parochial school should be accepted as a substitute for education in a public school, provided only that the Board of Education deemed that the instruction given in such private or parochial school, or privately, was equivalent to the instruction given in the public schools.

All of our States except Oregon distinctly recognize private or parochial schools as proper substitutes, either *eo nomine* or under terms that clearly include them.

Twenty-four of the States expressly provide in their statutes that attendance at a parochial school shall be accepted, and as I have just stated, the remaining States, although in differing language, recognize that education at a private school or at a denominational school shall be acceptable so long as the children of the State are educated.

This fact, and the fact of the absence of similar legislation to this Oregon enactment, certainly attest an exceptionally widespread belief and an exceptionally long tradition—for it goes back to Colonial times, and all

through modern times—that education should be free, that the parents should have the right to determine where their children should go to school, and that regulation can readily reach every possible evil that you are asked by the Assistant Attorney General to presume, without a scintilla of evidence or suggestion in the record, or in anything of which the court below or here could take judicial notice. He argues that you may presume that sufficient and satisfactory reasons existed in the minds of the people of Oregon, or, rather, in the minds of the majority who imposed this enactment upon the rest of the people of the State; for the vote was only 115,506 for to 103,685 against.

In a word, Oregon alone prohibits parents from sending their children to private or religious schools, striking at Catholic and Protestant alike. There are many Protestant religious schools in Oregon, as the record shows—Catholic, Episcopalian, Lutheran, Adventist and other denominations, and there have been from the beginning, and long before any public school system was established in Oregon or any compulsory education law passed in Oregon.

Oregon alone has attempted to suppress private and religious schools. If I may quote Milton's famous phrase, in the second book of "Paradise Lost", Oregon alone has that "bad eminence" of intolerance and antipathy for freedom of education.

All other States have recognized the philosophy of this subject, and that is that the end and the goal of the State, the legitimate end and the legitimate goal of the State, should be and really is *education,* and not the particular form in which the education shall be imparted.

This was admirably put or expressed by the Supreme

Court of Massachusetts, when Mr. Justice Holmes was on that bench, in the case of *Commonwealth* v. *Roberts* (159 Mass. 372), and I shall read a sentence from that opinion, which your Honors will find quoted in Mr. Veatch's brief in the case of the *Hill Military Academy* No. 584, namely:

> "The great object of these provisions of the statute (that is, the Massachusetts compulsory education law) has been that all children shall be educated, not that they shall be educated in any particular way. To this end public schools are established, so that all children may be sent to them unless other sufficient means of education are provided for them."

And all through the history of Massachusetts (which was rather prominent in intolerance in the Seventeenth Century), from the very first law which they passed in regard to education, they recognized the right of the parent to have children educated otherwise than in the public schools established by the Puritans.

Nor in this case, if your Honors please, is there any question as to the power of a State to regulate as distinguished from prohibition and suppression. A State may require licenses, both of the schools and of the teachers. You have so held. A State may reasonably prescribe necessary studies. A State may prohibit the teaching of doctrines inimical to our form of government and to the duties and standards of good and loyal citizenship. But a State cannot prohibit the teaching of religion, except, of course, in case the tenets of the particular religion—for example, recalling the case in this Court relating to the Mormons—in case the doctrines of a religion are subversive of the common ideals of morality, or are such doctrines as those of extreme pacifists

who claim the right to teach that children are justified in refusing military service and may be taught to be actively disloyal.

All these reasonable branches of regulation can be exercised by any State, and have actually been exercised in Oregon as reference to the statutes collated in our appendix I will readily show.

Thus, the school boards in Oregon have full power to determine that the children shall be taught in the private schools the same subjects that they are taught in similar schools maintained by the State. Teachers in Oregon private schools are required to take the same oath as public school teachers as to reverence for law and order and undivided allegiance to our Governments. All private and parochial schools are required by statute to give regular courses in the Constitution of the United States, and a most stringent statute, such as your Honors sustained in *Gilbert* v. *Minnesota* (254 U. S. 325), prohibits, under very severe penalties, up to ten years of imprisonment, the teaching of syndicalism, sabotage and other forms of socialistic and communistic doctrine.

I shall not argue the obvious: that the effect as well as the intent of this statute was to prohibit and destroy religious and other private schools. They were to be suppressed no matter how superior their instruction; no matter how well conducted; no matter how desirable and necessary for certain children who needed particular discipline or particular instruction. The good and the inferior alike were to be suppressed, without any complaint or any investigation, without any expert report or commission, without the slightest ground being assigned, except—that its promoters desired that all children should be compelled to be educated exclusively along the

same lines of uniformity of instruction established by bureaucratic and political school teachers whether competent or not.

The court below, with ample knowledge of the conditions actually existing in Oregon, declared, with a persuasive authority hardly to be denied, for all three of these learned Federal judges had been on the bench in Oregon for more than thirty years, one of them, District Judge Bean, for more than forty years, and two of them had been Chief Justice of the State of Oregon: they unanimously affirmed that the act could not be more effective for utterly destroying the business and occupation of the plaintiffs' schools, except, perhaps, the colleges and preparatory grades, if it had been entitled, "An Act to prevent parochial and private schools from teaching the grammar grades."

Nor shall I argue, for the time at my disposal is altogether too short, the far-fetched suggestion contained in the brief filed on behalf of the Governor of the State, that the children of parents who desire that they shall have religious instruction are in no way interfered with, because they can send their children to a private school before the public school opens, and send them to a private school after the public school has closed.

That very suggestion was made in the *German Language* cases, and Mr. Justice McReynolds quoted from the court below, that such a proposition was little short of absurd because, of course, there is a limit to the number of hours that children can be kept confined in school.

Hence, in view of the candid and creditable admission of the learned Assistant Attorney General of Oregon that the enactment now before the Court would inevitably suppress every private school in the State of Oregon teaching

the primary and grammar school grades, I desire to affirm as emphatically as I can that, if held constitutional by this Court, the decision in these cases would necessarily recognize a legislative power in the several States to suppress every private, every denominational, every parochial and every religious private school in the country. It would recognize the power to close those great Episcopal schools of Massachusetts, Groton and St. Marks, St. Paul's in New Hampshire, Kent and Pomphret and St. Margaret's in Connecticut, and throughout the country as the admirable and eloquent brief filed by the counsel of the Protestant Episcopal Church as *amici curiae* conclusively shows; and it further shows that they have one hundred such religious schools where children of the Episcopal faith are being taught their religion. And as the brief on behalf of the Jews by Mr. Louis Marshall as *amicus curiae* equally shows as to his ancient faith.

Furthermore, it needs no argument, for it is indeed manifest, that if the power of a State to suppress primary schools be unlimited, as the Attorney General literally asserts in the opening part of his brief, and as the advocates of this measure and counsel for the State of Oregon have argued in their briefs, and perhaps will argue orally, if such power be unlimited, where can it be stopped? The State surely need not then stop at the age of sixteen or with primary education; it can at will similarly legislate as to secondary and preparatory schools and colleges, and suppress all the private educational institutions throughout the country, on the plea, as stated in the brief filed on behalf of the Governor of Oregon, that they may possibly teach prejudicial, unpatriotic, or subversive doctrines to the future men and women of our

country; that they may become "red" and teach subversive and revolutionary doctrines, and that there is no way to prevent these private schools "from being controlled and conducted"—I am quoting their language—"by bolshevists, syndicalists and communists", as suggested on page 46 of their brief. You are further asked in argument to assume without proof of any kind, that the private and parochial schools of Oregon may possibly be inferior to the public schools maintained in that State and that the measure was passed in good faith to secure a better education for the children of Oregon now attending private and parochial schools.

But I cannot, unfortunately, for want of time, argue any further upon that question, or show you how, in the Federal Census of 1920, for example, the fact was shown that 2,280 of the public schools in the State of Oregon were one-room schools, where all grades and both sexes were intermingled, and that 1,633 of the school teachers, fully 21 per cent., had not even had a training equal to a normal school or its equivalent. The National Educational Association published these facts to the country, showing conditions not alone in Oregon but elsewhere that ought to be remedied, if the beneficent system of public schools was to do the work which it ought to do and which the taxpayers of the United States are now paying over one billion dollars a year to enable it to do.

I cannot likewise, for want of time, address my argument to the right to sue, or the alleged prematurity of the suit. If your Honors desire any instruction upon that point, my associate, Judge Kavanaugh, will address himself to it. But, to repeat, it is fully covered in the briefs filed on behalf of the appellee Society.

Nor shall I argue, because it is fully covered in our

briefs, in refutation of the contention that we are not directly affected, because it is only the parent, the guardians and the custodians of children who are menaced with punishment as for a misdemeanor. I have only time to refer to the case of *Truax* v. *Raich* (239 U. S. 33), where Mr. Justice Hughes covered the point quite conclusively; to the case of the *Evangelical Lutheran Synod* v. *McKelvie*, reported under the title of *Bartels* v. *Iowa* (262 U. S. 404), where Mr. Justice McReynolds again fully covered the point, and to the more recent case of *Terrace* v. *Thompson* (263 U. S. 197) where Mr. Justice Butler reviewed and analyzed the point and clearly showed that it was not necessary that the act apply directly to the complainant provided the necessary effect of interference with the constitutional rights of others was to affect and prejudice such complainant.

But our appellee Society has not only six parochial schools, but five private academies, four of which are boarding schools. Hence it literally comes within the language of the enactment of a person having control or charge or custody of a child. Of course, if they did not send the children in their boarding schools to the public school of the neighborhood, they would incur the penalties of this enactment.

Again, as to the orphanage in Clackamas County. There 100 orphans between the ages of eight and sixteen are in the charge and custody of the Sisters of the appellee Society. Of course, they have both charge and custody of these children; and of course they would directly incur the criminal penalties of this enactment if they did not send these orphans to the public school of the neighborhood. And yet it appears affirmatively that there is no public school in the county that could hold

them; that the same is quite true elsewhere, and that the State, in order to comply with this act, would have to expend over $4,000,000. So the bill alleges and so the appellants admit.

The enactment now before the Court for consideration in its constitutional aspect affects and involves the constitutional rights of four classes of persons: that is, parents, children, teachers in primary grades, and owners of primary schools—and all the rights partake of the nature of the right of liberty and of the right of property; all are interdependent, and all, I submit, are protected by the Fourteenth Amendment from denial by a State.

First and foremost, the law involves the sacred rights of parents in the discharge of their duty to educate their children, a truly sacred right and duty, which Blackstone declared 150 years ago, and Puffendorf long before him, was the greatest of all the rights and duties of parents.

It next involves the right of children, for they often, as all parents well know, instinctively have decided preferences, to which frequently parents and guardians wisely conform. What parent has ever dealt with the education of a child between eight and sixteen but what that element has entered into his fair and just consideration? Is not the number of parents innumerable who have conceded something to the preference of their children as to the school they shall attend? And yet it is said in one of the briefs filed on behalf of the State of Oregon that it is perfectly absurd to argue that children have any constitutional rights, or that they can be allowed to exercise any selection or preference as to the school they shall attend.

This enactment also involves the rights of teachers, men and women, who devote their lives to the noblest of all callings, the education of children; a profession which has existed and been highly esteemed in every age, in every country and under every civilization, even long before Christianity; and which, to repeat, was recognized by Mr. Justice McReynolds in the conclusive opinion which he wrote in the *German Language* cases, not only as a noble profession, but as a most useful one.

And finally, it involves the rights of the owners and managers of schools who have devoted their property and their services to maintaining private schools, which have existed from time immemorial, and for three centuries have furnished the means by which the *élite* of the American colonists and of the American Republic since 1776, have so largely been educated and trained in the duties and responsibilities of life and citizenship. It would truly be no exaggeration to say that practically every member of the Constitutional Convention of 1787 had been educated in a private school, and mostly in a religious school, and that every signer, or almost every signer, of the Declaration of Independence had been similarly educated.

It is consequently no exaggeration for us to urge that no more far-reaching and momentous question, or one more closely affecting American institutions and the inherited rights or liberties and the freedom of conscience and religion of our people, or a greater number of the people of the United States, or one more deeply reaching to the very roots and springs of American constitutional liberty, and of all those sacred rights which free men cherish and free governments are established to secure and protect, has ever been submitted to this Court for

decision. And if ever these rights are denied, if that day shall ever come, our Governments will not be worth while striving to maintain for we shall no longer be free men or worthy to enjoy liberty.

I would, furthermore, like to analyze briefly the service rendered in the United States to education generally by private schools, and the universal recognition of valuable service by all American educators, by the officials of our National Government in charge of the United States Bureau of Education, by the leaders of the American Educational Association. They all with one concordant voice recognize, not only that the experimental work that has and is being done in private schools is of immense value to the community, but the fact that it is the work done there and the standards established in those schools that have lifted the standards of the public schools, and that if these private schools were abolished, as one writer says, there would inevitably follow the degradation of the whole public school system.

Your Honors, I want to point out for your reflection that Oregon was not choosing between two competing liberties which cannot coexist. These liberties in education have existed practically for all time in this country and in other countries. The liberty to conduct a private school does not abridge or interfere with the liberty of the district or community to maintain a public school. As private schools generally charge tuition fees and equally promote education, and the public schools are free, there is no interference or competition with the resources of the public schools. In fact, the more who attend private schools, and there obtain a satisfactory education at least equal to the public school of the neighborhood, the less must be the public burden and tax levy.

The liberty of teachers who devote themselves to giving instruction to children in the primary grades of private and parochial schools does not surely abridge or interfere with the liberty of other teachers to give instruction in the similar grades of public schools.

The liberty of parents to send their children to private schools does not abridge or interfere in the slightest or remotest degree with the liberty of other parents to send their children to public schools.

The learned Attorney General further contends, that, in order to sustain this law, it is your duty to indulge in the presumption, as a matter of fact, that there did exist in Oregon exceptional circumstances. But I submit that no such question can affect the fundamental question of power to suppress all private and parochial schools however well and competently conducted and that no such argument was submitted to the court below, where there was not the slightest suggestion or pretense either in argument or brief that the private or parochial schools were in any way inferior to the public schools, or that they were teaching detrimental doctrines.

In fact, Judge Wolverton in his opinion, after an experience of thirty odd years upon the bench in Oregon, repudiated the suggestion, and said that there was no proof whatever and that the contrary was the fact, in regard to the alleged inferiority—if that had been claimed and it had not been claimed—on the part of parochial and other private schools.

If your Honors please, I now want to refer briefly to another aspect. It is, I must confess, with great apprehension and disappointment that I am compelled to gallop through this very important case in the limited time allotted to me. I want to refer to the official pamphlet

issued by the Secretary of State of Oregon at the time this law was submitted to the people, as required by their laws, and which contains the arguments for and the arguments against this enactment as then proposed by initiative.

Among other things, in the argument in support of this law by the promoters responsible for this law, promoters who, in one of the statements contained in this official pamphlet, are called "outside agitators," it was stated by them as follows:

> "Our children must not under any pretext, be it based upon money, creed or social status, be divided into antagonistic groups, there to absorb the narrow views of life as they are taught."

Against this proposal, which meant undoubtedly, if it had any sense or purpose, that the promoters of this measure wanted all the children of the State to be of one creed and of one religion dictated by them—against such a proposal the religious organizations of the State protested in this official pamphlet.

You will find the Evangelical Lutheran Synod protesting; you will find twenty-five Presbyterian Ministers protesting; you will find the Episcopal Bishop protesting; you will find citizens of all faiths protesting; you will find the principals of four non-sectarian schools protesting; you will find the Seventh Day Adventists protesting, and you will find the Catholic Civil Rights Association protesting. The arguments in the official pamphlet should have and deserve the most careful study.

Yet it was argued yesterday to your Honors by the learned Assistant Attorney General that there was no religious issue involved. Notwithstanding his brief, in which he raised the religious issue although it was not

raised in the court below, he proclaimed to your Honors that he disclaimed any such intention of raising a religious issue on the part of the people of the State of Oregon, because, as he stated to you, they were a religious people.

Now, let me read to your Honors an extract which is on page 39 of our appendix I. It is part of the noble and exalted statement issued by twenty-five Presbyterian Ministers in the State of Oregon.

The Chief Justice. Is it an appendix to your brief?

Mr. Guthrie. It is an appendix to my brief—at page 39 of Appendix I.

The Chief Justice. Are there several appendices?

Mr. Guthrie. There are two to my brief. Let me read from the protest of these Presbyterian Ministers:

> "Whereas, much of the propaganda in favor of this bill has been conducted in the name of Protestantism, we the undersigned ministers, members of the Presbyterian Church, believe that the proposed legislation is inimical to the highest human welfare for the following reasons:
>
> 1. It proposes to abolish one system of religious education and offers no substitute for it in any plan of religious instruction in connection with the public school system.
>
> 2. It is based on the philosophy of autocracy that the child belongs primarily to the state; it is an unjustifiable invasion of family authority and threatens ultimately the guarantees of our American liberty.
>
> 3. The proposed legislation in its conception, promotion and execution violates what we conceive to be the spirit of fraternity and brotherly love taught by our Master."

Finally, if your Honors please, I hope to be able to complete in the nine minutes left to me the subject of religious liberty. I may take two or three minutes more.

I pray that they will not be deducted from Judge Kavanaugh's time. I am trying to limit myself to the time allotted to me.

The Chief Justice. I do not think you are giving yourself enough time.

Mr. Guthrie. I think that five minutes (not taken out of Judge Kavanaugh's time) would enable me to complete this very hasty and imperfect presentation.

In discussing the question of religious liberty, which has been thrust into the case for the first time by the briefs filed on behalf of the Attorney General and the Governor of the State, I shall not fail, of course, to appreciate that this Court sits in impartial judgment upon all religions—upon all faiths and creeds.

The Attorney General's brief concludes with the concession, on page 72, to which I have already referred, that the reason why the people of the State of Oregon, under their initiative powers, have enacted this law is apparent; and he then proceeds to assert that this reason is that parents were sending their children of public school age to private schools—and I am now quoting his language—"in order that it may therein give sectarian religious instruction which is prohibited in the public schools."

And hence his idea and logic seem to be that liberty of religious teaching should not be upheld or permitted, because, as he continues—I am still quoting his language—"The right demanded by appellee is denied to all whose children attend the public schools."

This is followed by the statement, as if to emphasize and avoid any possible doubt as to his meaning and intent (p. 78), that "it does appear that the liberty claimed to be denied by such a law is liberty to give

sectarian religious instruction in connection with common school training; a thing which no one would have the temerity to demand as part of the course of instruction in the public schools."

In other words, the argument of the Attorney General is that, because religious instruction cannot be given in the public schools under the constitution and laws of Oregon, the State may forbid its being given anywhere else!

Could there be a plainer confession of the truth than we find in the Attorney General's candid brief, that the underlying motive and the immediate intent and purpose of this measure were anti-religious and to prevent religious instruction to children—as much so as any atheistic or sovietic measure ever adopted in Russia?

On the other hand, in the brief filed on behalf of the Governor of the State of Oregon, there is stated, as an argument in support of this law, that your Honors should appreciate that the vast majority of private schools of our country are now religious schools. And then the learned counsel of the Governor proceeds to assert (at p. 62) that if the character of the education of children is to be entirely dictated by their parents, they may be instructed in disloyalty, and taught "that the claims upon them of the religion to which they belong are superior to the claims of the United States."

And further these learned counsel assert practically that the children at religious schools "may be intentionally mistaught as to the true character of the Government and history of the United States." And yet it was solemnly asserted yesterday to your Honors that there was in truth no religious issue at all.

The Governor's counsel then proceed to proclaim in

their brief the extravagant and preposterous assertion that, if this law be not held constitutional by your Honors, "there is no legal principle on which any existing public school law in the United States can be upheld." I am quoting his language. And thereupon the Governor's counsel warn your Honors that if this question be held by your Honors to be within the field of federal protection of constitutional rights, such a decision "can only mean the spread of this bitter question all over the United States in the conflict over another proposed amendment to the Constitution." And what is "the bitter question" in counsel's mind who wrote and printed that statement if it be not the religious question?

In conclusion, the counsel for the Governor of the State of Oregon venture to state to your Honors in their brief (and I am quoting their very words) that "the Court might almost take judicial notice of the certainty of the introduction of such an amendment in case the Oregon law is declared unconstitutional."

I shall refrain from comment upon this threat, which I doubt that counsel will venture to repeat in the oral argument.

This case, if your Honors please, has lifted counsel, and I profoundly believe, the Court likewise, into the highest plane and realm of constitutional jurisprudence. In underlying and vitalizing principle, it involves infinitely more than all the wealth of the United States. It involves religious liberty, freedom of conscience, freedom of education, and the right of parents to bring up their children in the faith of their fathers.

As counsel at your bar, I appreciate how inadequately I have been able to present this great question on be-

half of the Sisters of the appellee Society. It is a noble professional privilege and a high professional honor to plead before you on behalf of the men and women who are devoting their lives all over the United States to the instruction of children and to their moral training and discipline in the doctrines of religion. It ought, indeed, to be a great and inspiring professional privilege.

I have not time to say a word, although I should like to do it, upon this cant of Americanization on the part of the promoters of this un-American measure. Imagine destroying the most valuable right that we Americans have inherited from the inspired generation that established this Government—imagine destroying the right to religious liberty and freedom of education in the name, in the cant, on the pretense of Americanization, with the wickedly false cry that they who seek to close all private and religious elementary schools are the only true Americans, when the whole history of our country cries out against the pretense in the face of the great roll of men and boys of the ancient faith of these holy Sisters, who volunteered in the last war, who served in it so gloriously, who showed the extent to which they were ready and willing to go, how they were ready to die for our country, whilst many of the people who are now agitating this movement and loudly canting of Americanization remained safely at home.

In his immortal Farewell Message, from which we have quoted in our brief, Washington told us for all time that the principal pillar of Government was religion, and admonished us to maintain it. And only a few days ago, his latest successor, President Coolidge, in lofty and noble words at his inaugural told us that the fundamental precept of liberty is toleration; that we cannot

permit any inquisition either within or without the law or apply any religious test to the holding of office; that the mind of America must be forever free;—that its Government will continue to stand desiring the advancement of religion, and that she cherishes no purpose save to merit the favor of Almighty God.

If I do not magnify, I profoundly believe that a decision upholding this law as valid would be the knell of freedom of conscience, of freedom of education, and of religious liberty in the United States.

But the Gospel of last Sunday tells us, sacredly and inspiringly (to paraphrase but one word):

Blessed are they who hear the word of the Constitution, and keep it.

On behalf of the private and religious schools throughout the country, I submit this great cause, destined in its decision to do incalculable good or harm in maintaining or subverting religious liberty and the freedom of education for centuries to come, with faith in the Constitution unfaltering and "triumphant o'er our fears."

ORAL ARGUMENT OF MR. KAVANAUGH ON BEHALF OF APPELLEE.

The Chief Justice. You may proceed, Mr. Kavanaugh.

Mr. Kavanaugh. I believe five minutes of my time are gone already.

The Chief Justice (interrupting). No; you have the full half hour.

Mr. Kavanaugh. Now, if your Honors please, I believe that the decision of this case depends upon the application of a very few principles. The propositions of law are so well settled by the former decisions of this Court that rediscussion of many of them would be futile.

So I shall endeavor for the most part merely to enumerate rather than discuss some of those vital and settled principles:

First of all, this appellee and all other corporations and individuals of the State of Oregon similarly situated are engaged in a useful and lawful calling. It is one of the noblest, of course, of all human callings. And the Constitution throws the mantle of its protection over that sort of activity.

When a law is passed unreasonably regulating or attempting to destroy a useful occupation, the inquiry at once occurs to the legal mind whether or not that is an improper exercise of legislative power, and whether or not the law is unconstitutional.

The rights here involved are vital and fundamental. They are inherent, and not derivative. These natural rights existed before constitutions were made; and they will exist after constitutions are dissolved; they are not created by constitutions, but certainly secured by them.

These schools, by the admissions in this record, have all been well conducted. They are at least equal to the best the public schools of the State of Oregon afford; there is no question about that.

There has been no complaint lodged against them. The proponents of this measure point to no evil that ought to be remedied; they suggest no abuse that ought to be remedied.

The measure does not purport to regulate. It was not designed to improve. Its single purpose was to suppress and destroy. And in that work of destruction, your Honors, it aims to destroy private schools of all classes, however efficient they may be in educational instruction and in cultural value. If a private school was far superior to the public school in a particular district, the children would be required nevertheless to attend the inferior school.

I cannot agree with the Attorney General when he says that all of the public schools of Oregon are of a superior quality and conform to a particular standard. In the nature of things, that cannot be, when the little schools in the wild prairie and in the dense timber districts of Oregon (for Oregon is a State of wide areas and small population) have great difficulty in maintaining their little schools. They are conducted, really, more in the nature of private local schools than public schools. The district trustees do the best they can. But they have not the funds available to employ competent teachers.

Mr. Justice McReynolds. Well, would that make any difference in your view?

Mr. Kavanaugh. It would not make any difference in my view. I am speaking now of the public schools.

Mr. Justice McReynolds. Well, but suppose they had

the best public schools that could be obtained, and had all the money they needed behind them?

Mr. Kavanaugh. It would not make any difference.

Mr. Justice McReynolds. I was trying to find out if it would make any difference.

Mr. Kavanaugh. I was saying that, even if private schools are superior in places—and they are superior in places and live by that superiority—they would have to go the way of all private schools. There is no distinction, no rule by which they can judge the kind of school that ought to be suppressed; but they suppress them all. Of course, I need not discuss that subject.

The law was never intended as a regulation. It was intended as a complete elimination of all private primary schools in the State of Oregon; and that would be its inevitable effect, and it is so conceded by the Attorney General here today.

Now, this kind of a measure is not a legitimate exercise of the police power of the State, broad and undefined as that power is.

Schools are particularly subject to reasonable regulation on account of the nature of their services.

But the power to regulate is not the power to destroy. There is no evil that could possibly creep into these schools that could not be remedied or corrected by regulation. It is admitted that there are no evils there now. But, even if there were, regulation could remedy them.

If regulation can control the evils that might creep into the employment agency business, a business that is subject to abuses, certainly regulation can correct any mistakes or imperfections that may creep into any system of schools. There is no perfect school system. Such a system cannot be created or established in this world.

The public schools have not reached a level of settled perfection. Nor have they yet approached, or so far approached perfection that it can properly be imposed, as the *sine qua non* standard of the education of the children of the country, that they must attend the public schools.

We invite reasonable regulation. We comply with all the regulations of the State. We are in favor of compulsory education. The State has a right to impose that.

Of course, education is first a parental duty. But the State has the right to force the delinquent parent to give his children an education, under penalty. And with that end in view, it establishes free schools, so that a parent shall have no excuse for not performing that essential parental duty.

The private school has a very venerable history, as has been already said. It has existed in this country since the beginning. And before the foundations of our Government were laid, it was engaged in the worthy work of imparting instruction to the men who breathed into this nation the breath of life.

And from that elder day until our own time, it has gone on in worthy and fruitful service to this day. When the public schools were later established, the two systems worked side by side in harmony and social peace; one profited by the example and the experimentation of the other. And some of the greatest steps that the public school has taken it owes to the private schools. On account of its nature, it was easier for the private school to practice experimentation. And many of the wisest regulations now adopted in public schools were first introduced and perfected in the private schools.

And so the great educators of this land, men who are

entitled to speak with authority on this subject, as well as the National Educational Association of this country itself, all condemn this kind of measure and say that the greatest misfortune that could happen to this country, that could happen to the public schools, even, would be the destruction of the private schools. From small beginnings they have grown until they have become, many of them, the greatest foundations in this land. They could not be destroyed without leaving a void that could not be filled.

If there be the power in the State to level the private primary school, that same power could later level the universities of this country, and require all children to attend State conducted schools. Once that power is conceded, who will shorten its arm? It is a dangerous power, a power the exercise of which was never contemplated by our constitutional guaranties.

Now, your Honors, I do not need to say to you that a private school that conforms to all the regulations of the State; that carries the course of studies provided by the State; whose students graduate from that school into the public high schools of the State; that performs all of that work, is also performing a valuable and beneficent function if it likewise teaches religion and moral training to young children. It is always a benefit if intellectual light be blended with the light of divine instruction; and one of the great open questions in this country today, one of the most serious problems, is that we are not able to give religious instruction and moral instruction to our children as they should receive it.

And again, I will have to disagree with the Attorney General, much as I hate to disagree with him, because he tries to be so fair in the performance of his public duty

here, when he says that the inspiration of these acts of the legislative assembly which are being enacted now, one of which was enacted last month in the State of Oregon, permitting children in the public schools two hours each week in school time to receive religious instruction, can be argued in favor of a law of this kind. But that is merely reflecting the view of the serious-minded men and women of this country that religious instruction and moral training must be given to the young, during the plastic years of life, or else we shall raise up a race of materialists who will have no reverence for any authority, either human or divine. And so we are returning to the spirit of the elder days as best we can, and providing by this measure to enable the students of the public schools to receive some of the religious training that they ought to receive.

That law is not a complement of this law which has been passed. It was passed under absolutely different conditions. The school measure which we are attacking here was passed in November, 1922. That law, after a change of sentiment in the State, was passed in February, 1925.

The court below entertained this suit, although the law would not go into effect for a long period of time in the future. This was an unusual act. Its period of suspension covered a long period of time, and it was unusual in that respect; as we search the decisions, we find no precedent where the period of suspension was so great as this.

But there was a particular reason for that. You see, your Honors, it would take the private schools a long course of time to adjust themselves to the new conditions; to liquidate their properties and to salvage what-

ever remained of their private primary schools, without too great a loss.

And again, the State required a considerable time to construct new buildings and make provisions to accommodate the great influx of children from a new source over and above the normal increase from year to year. And so at the time it was said that this period of suspension was inserted in the statute for those purposes.

But it produced a strange, and perhaps not an unexpected condition. As soon as the law was passed, private schools began immediately to decline; their patronage began to fall away; and they suffered actual, progressive and accelerating injury during all of that period. So great were these withdrawals, due entirely to this act and to the threats to enforce it, that they would have been obliged to close their schools before the period of suspension expired.

And with that condition existing; with that grim alternative presented to them, either to prepare to comply with the law regardless of its invalidity, or else go on and close their schools before the effective date of the statute arrived and suffer irreparable loss without any remedy in the courts of law, they appealed to equity for relief.

In an application for equitable relief in these circumstances, the thing the court is most interested in is the actual injury sustained. Time is relative as compared with injury. One is not obliged to wait until the lethal blow shall fall. They have a right to proceed as soon as the axe is laid at the foot of the tree. That may be soon or it may be late. But if the damage be actual and progressive and irreparable because of the threats to enforce an unconstitutional law, and there be no adequate remedy

at law, time, I say, becomes relative rather than injury; and the great question to observe is the question of injury. If we had permitted that period of suspension to expire, there would have been no schools to save.

In that desperate situation presented to the court below, and by them fully appreciated, as not only alleged and admitted on the record but the natural thing to occur, they granted us an interlocutory injunction; and that interlocutory injunction was the only arresting influence that has come in this decline of the private schools of the State of Oregon. After that injunction, the withdrawals were decreased, and some students returned. But that was the direct influence in favor of the private schools and the attendance at the private schools.

Now, your Honors, there was no present emergency for this legislation. I concede that, in a great emergency, the State has great powers. But there is not a thing said, not an argument advanced, which shows that there was any emergency at all. And there is no danger, either actual or potential, in the conduct of these private schools. The percentage of population, of course, of school age attending these schools is very small—a small percentage of the children of the State.

And Oregon, too—some reference was made to that in the briefs—is a State that is populated chiefly by native-born. The foreign-born population is very small, and is negligible in the whole State.

Mr. Justice McReynolds. I will ask again, if you think that affects this question?

Mr. Kavanaugh. Not at all, except that it was referred to in the briefs.

Mr. Justice McReynolds. As I understand you, you argue that this thing cannot be done under any conditions?

Mr. Kavanaugh. Not under any conditions.

There is another reason why this law is unconstitutional and void. It violates the contract between the State of Oregon and the appellee. The appellee was organized and incorporated under the general laws of the State of Oregon, for the express purpose of conducting schools, and of purchasing and acquiring property for school purposes; and there was in the State of Oregon then no reserved power to alter or amend or forfeit the charter. It is not in the same situation as the *Berea College* case; because the court of last resort in Oregon has held that the State may not, by subsequent legislation, alter or impair the corporate rights invested by the corporate charter.

Of course, the police powers of the State cannot be bargained away; and they have the right to regulate. But, as has been shown to you, this is not an act of regulation. It is an act of destruction. It destroys completely the very beneficial interest that was granted by the franchise of the State of Oregon to this appellee.

And our Supreme Court has held twice, not only that the rule in the *Dartmouth College* case is in force in that State strictly, but that interfering even with the corporate name of a corporation is an impairment of the obligation of the contract.

The State of Kentucky had held, prior to the *Berea College* case, that there was a reserved power in that State whereby subsequent legislation could alter or change the corporate charter. And that is why I understand this Court held in that case as it did.

But the Court here, as in all Federal Courts, must follow the decisions of the State courts; and the rule in Oregon is in accordance with the rule laid down in the *Dart-*

mouth College case, that a regulation which unreasonably interferes with the beneficial interest carried by the corporate franchise is in violation of the contract clause of both the Federal Constitution and the Constitution of Oregon.

In conclusion, your Honors, we submit that this appellee is invested with the inherent right to conduct its private schools; that the State may regulate to any reasonable degree, with any sort of regulation that bears a reasonable relation to the public health, the public morals, or the public welfare. However, this is not an act of regulation, but an act of destruction; and it violates the inherent and fundamental rights of this appellee; it takes its property without due process of law, and it violates the contract between it and the State of Oregon.

And so we submit that the decree of the court below should be sustained. We appeal with confidence to the Constitution. It was the first hope of the Fathers. It is the last refuge of the persecuted and the oppressed.